

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

1st Special Session

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume II

MARCH 7, 1974 TO MARCH 29, 1974

Index

Legislative Ethics Committee Report

Kennebec Journal
Augusta, Maine

HOUSE

Wednesday, March 27, 1974

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Paul Pare of Augusta.

The journal of yesterday was read and approved.

Orders Out of Order

Mr. Dyar of Strong presented the following Order and moved its passage:

ORDERED, that Marjorie Mann of South Paris, Pam Baker of Norway, Cindy Thompson of Norway, Paula Hakala of Norway, Joanne Twitchell of Oxford, Cathy Proulx of Oxford be appointed Honorary Pages for today.

The Order was received out of order by unanimous consent, read and passed.

Mr. Dyar of Strong presented the following Order and moved its passage:

ORDERED, that Lorraine Roy and Jane Twitchell of Norway be appointed Honorary Pages for today.

The Order was received out of order by unanimous consent, read and passed.

Mr. Greenlaw of Stonington presented the following Order and moved its passage:

ORDERED, that Jeffrey Welch, Daniel Coombs, Sandra Buxton of Stonington and Scott Haskell of Deer Isle be appointed Honorary Pages for today.

The Order was received out of order by unanimous consent, read and passed.

Papers from the Senate

From the Senate: The following Joint Order: (S. P. 961)

ORDERED, the House concurring, that the Maine Port Authority is directed to include in any contract, document or legal commitment required for the construction or operation of oil refinery facilities, a provision requiring the distribution and sale of its products which recognizes the need of Maine people for a guaranteed share of the refinery's production.

Came from the Senate read and passed.

In the House, the Order was read.

The SPEAKER: The Chair recognizes

the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, I move the indefinite postponement of this Order and I would like to speak briefly to it.

The SPEAKER: The gentleman from Standish, Mr. Simpson, moves the indefinite postponement of this Order in non-concurrence.

The gentleman may proceed.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I believe that the intention of this particular order is sound, and I appreciate the fact if we are going to have an oil refinery in the State of Maine, we would like to see the distribution and sale of its product first handled within the State of Maine. But I think part of our responsibility here is to watch the Constitution and adhere to the Constitution, and orders are only directed to the legislature and in no way by the Constitution can we order the Department or Authority such as this to do something that should be done and has to be done by legislation and therefore, I hope that you would support the indefinite postponement. If somebody wanted to put a bill in to that effect, then I think the 107th would be a good time to do it.

Thereupon, the Order was indefinitely postponed in non-concurrence and sent up for concurrence.

From the Senate: The following Joint Order: (S. P. 929)

WHEREAS, the Maine Management and Cost Survey recommended divesting the State Board of Education of responsibilities; and

WHEREAS, the State Board of Education has responsibilities related to approval of school administrative and community school districts, standards for elementary and secondary schools, standards for school construction, establishment and operation of technical and vocational institutes and other matters relating to governance of elementary and secondary education; and

WHEREAS, the survey commission further recommended the creation of an Advisory Board of Education to act in an advisory capacity to the Commissioner of

Educational and Cultural Services; and WHEREAS, Governor Kenneth M. Curtis in a special message to the 106th Legislature on January 10, 1974 reported that there are certain duties and functions relating to federal programs and state affairs which require a policy-making board rather than an advisory group and advised that before these recommendations are adopted, the duties of the State Board of Education be carefully studied and that any matters which are primarily administrative in nature be transferred to the commissioner; now, therefore, be it

ORDERED, the House concurring, that the Legislative Council be directed to conduct a study through the Joint Standing Committee on Education of the subject matter of the following bill: "An Act Abolishing the State Board of Education and Creating an Advisory Board," Senate Paper 863, Legislative Document 2432, introduced at the first special session of the 106th Legislature to determine whether the best interests of the State would be served by adoption of such legislation; and be it further

ORDERED, that the Council report the results of its study to the 107th Legislature.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

From the Senate: The following Joint Resolution: (S. P. 913)

WHEREAS, there has been a dramatic decrease in the number of inpatients at the two state mental health facilities; and

WHEREAS, questions have been raised about the increasing unit cost of providing care in these facilities; and

WHEREAS, there are increasing resources for mental health care closer to the individuals' homes and communities, but an obvious need for even more such resources; and

WHEREAS, active care and treatment programs now being provided forestall chronicity and the need for extended institutional care; and

WHEREAS, the State of Maine recognizes a solemn obligation to provide the most effective

treatment-rehabilitation system possible for mentally handicapped people; and

WHEREAS, an extensive and competent consideration of the future role of the State mental health institutions should be undertaken in order to permit informed planning of a comprehensive and coordinated system of public mental health care; and

WHEREAS, the facilities themselves have potentials for possible alternative uses for the benefit of the people of Maine; and

WHEREAS, the talents of the dedicated employees of these facilities should be preserved in behalf of the mental health of Maine people; now, therefore, be it

RESOLVED: That there is created the Task Force on Mental Health to be composed of fifteen members and an executive secretary. The Task Force on Mental Health shall consist of two Senators, to be appointed by the President of the Senate, two Representatives to be appointed by the Speaker of the House, and the remaining 11 members to be appointed by the Governor representing clients of mental health services, the general public, business, labor, patient advocacy, children and youth, the elderly, appropriate professional organizations, community mental health centers and the Advisory Committee on Mental Health. The Task Force on Mental Health at its organizational meeting shall elect a chairman and appoint an executive secretary; and be it further

RESOLVED: That the Task Force on Mental Health is charged to study and prepare a report to be submitted to the Governor and the 107th Legislature by January 1, 1976 on the future role of the Augusta and Bangor Mental Health Institutes in a system of human services to the people of Maine in the most effective and efficient manner; and be it further

RESOLVED: That there is allocated to the Task Force on Mental Health the sum of \$40,000 from the Legislative Account, such allocation to be nonlapsing and allocated to the Department of Mental Health and Corrections for purposes of administration. Such funds shall be used

to reimburse Task Force members for expenses incurred in the performance of their duties, to pay the salary of the executive secretary and other staff assistance deemed necessary by the Task Force, and to meet other related and incidental costs of the study.

Came from the Senate read and adopted.

In the House, the Resolution was read.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker, I move the indefinite postponement of this Resolution and would speak to my motion.

The SPEAKER: The gentleman from Strong, Mr. Dyar, moves the indefinite postponement of this Joint Resolution.

The gentleman may proceed.

Mr. DYAR: Mr. Speaker and Members of the House: I feel that this order is unnecessary. We are asking for another \$40,000 task force which I think we can get along without. There was an editorial recently in a local paper referring to the State Bureau of Mental Health and Corrections. The problem is that finally the Maine Psychiatric Association and Maine Medical Association in a survey conducted has brought out many facts that possibly are embarrassing to the Department of Mental Health and Corrections.

This order would set up a 15 member task force to study the problems in the department as far as the field of mental health is concerned. I think several days ago I discussed this on the floor of the House and suggested probably this department is pouring more money down the drain than any other department in State government. I think one of the gubernatorial candidates, Danny Trask down at Thomaston hit the nail right on the head, and I am not speaking on his behalf this morning, when he said the department has spent \$60,000 for a study that could have been bought from the State of California for \$30.

The department has a study going on now, which I got an opportunity to read a draft a week ago. It is 106-page document thus far, which speaks on area mental health programs and somehow, even though this draft was available to

me, it won't be out and available to the public until sometime in June. Possibly this might suggest that there are things in there that possibly the legislature shouldn't see while we are in session.

So I hope this morning that you will go along with the indefinite postponement, and if this body feels it necessary, I hope somebody will introduce an order allowing the Legislative Council to do their own investigation in this field. I am quite sure the legislature could handle it at much less cost and probably come up with more relative conclusions.

Thereupon, the Resolution was indefinitely postponed in non-concurrence and sent up for concurrence.

Reports of Committees Ought to Pass in New Draft

Committee on Judiciary on Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" (S. P. 821) (L. D. 2337) Emergency, reporting "Ought to pass" in New Draft (S. P. 953) (L. D. 2606) Emergency, under same title.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-427), Senate Amendment "B" (S-428), Senate Amendment "C" (S-429), Senate Amendment "D" (S-431), Senate Amendment "E" (S-432), Senate Amendment "F" (S-433), Senate Amendment "G" (S-434), Senate Amendment "H" (S-436), Senate Amendment "I" (S-437), Senate Amendment "K" (S-439), Senate Amendment "L" (S-440), Senate Amendment "N" (S-442), and Senate Amendment "O" (S-443).

In the House, the Report was read.

Thereupon, on motion of Mrs. Baker of Orrington, the Report was accepted in concurrence and the New Draft read once.

Senate Amendment "A" (S-427) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I think that this morning we should try to explain to

you very briefly as to which way we are heading here, what has happened and what might happen, and I assume that you probably know more about the procedures on this type of a bill than I do. But as you recall, in the session here I have mentioned at different times, when the occasion has come up, the subject of using all kinds of methods to circumvent the law. I referred to this particular bill — not this particular L. D., but this particular errors and inconsistencies bill, which I have thought for the last eight years that this is an extremely bad vehicle to use in order to pass laws which have failed in this session or other sessions and to change certain laws. I construe this particular bill as one to correct errors and inconsistencies and not to clarify or put in laws or to add to them or anything else.

I think this morning there will be a lot of discussion on these particular amendments. We have, I think, 18 of them. In committee we considered quite a few of them, and for some reason or other we didn't let them in. And of course this is the recourse that you have to put them in, as an amendment.

We are here in the interest of passing good legislation and doing it honestly. I, personally, don't have any personal grind because somebody put a certain amendment on, but I think if we are going to have any change in the law, this is not the vehicle to be used, and I don't think we should let it be used.

As far as amendment "A" is concerned, personally I think you have to follow these, because as far as Amendment "A" is concerned, I think what is crossed off on the bottom, actually, you had the hearing before the notice and I think that this is an error. I will go along with the passage of Senate Amendment "A".

The SPEAKER: The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and Members of the House: If I have the right amendment, this is the same thing that we had in the pilot bill, which we indefinitely postponed here in the House. Maybe we didn't, but it is the same thing that we had. I don't know, I can't remember what we did with it.

The SPEAKER: The Chair recognizes

the gentleman from Portland, Mr. Mulkern.

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I made inquiries about the particular amendment under discussions relating to this bill. As I understand it, this is only a language clarification. It says instead of a published annual schedule, it says a schedule published annually, which is a language clarification. And at the end it says, to insure port safety after hearing — the original bill says, hearing and notice, and the language has been changed to say, notice and hearing, assuming that a notice will be put forth before a hearing. You can't have the hearing first and have the notice afterwards.

Thereupon, Senate Amendment "A" was adopted in concurrence.

Senate Amendment "B" (S-428) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Clinton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker and Members of the House: I don't think this bill is in error. It died on the Appropriations Table last year. I ask for the indefinite postponement of it.

The SPEAKER: The gentleman from Clinton, Mr. Hunter, moves the indefinite postponement of Senate Amendment "B".

The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain the background in this Senate Amendment "B". There was a bill in the regular session which would have established colt stakes in Maine. It was passed by both Houses and it did die on the Appropriations Table for lack of funding. It called for a \$50,000 appropriations of state funds.

Since the regular session, the Maine Harness Racing Commission has established by commission order such a stakes program, and this action on their behalf is within the prerogative of their office. It involves no state funds. It derives \$80,000 from nominations and sustaining fees which would be paid by the owners of the colts themselves and from purse funds which would come from racing associations, which are private funds.

There is no problem in this procedure. Under the terms of the program, the Commission would be the repository of the fees that were so generated, and the Attorney General's Office has ruled that the state law does not authorize this function by the commission.

I would like to read to you a letter from the Attorney General:

"This is a response to your letter of March 20 stating that the State Harness Racing Commission has formulated rules and regulations for use in conducting a state program for Maine's own two and three year old horses. Your letter advises us that the commission promulgated these rules pursuant to 8 MRSA §268 and §281. Those provisions read as follows:

'The Commission shall make rules and regulations for the holding, conducting and operating of all harness horse races or meets for public exhibition held in the State.'

§281 'The Commission shall encourage and promote the breeding of a strain of Maine standard bred horses and make provisions to encourage donations of the same by licensees or others to persons or institutions within the State for breeding purposes.'

"You state in your letter that you are aware that this office gave an informal opinion indicating that the commission's action was inconsistent with its authority created by statute and you ask that an explanation be made showing how the legislature may correct the situation.

"By way of informal opinion dated March 7, 1974, the Commissioner of Agriculture, was advised that the Maine Harness Racing Commission rules and regulations relating to the conduct of a stake program for Maine's own two and three year horses was inconsistent with existing statutes. Specifically, neither the provisions of §268 and 281 authorize the proposed program.

"In order to be of assistance to the Commissioner of Agriculture and the Maine Harness Racing Commission, the proposed legislation was prepared in this office, which if enacted, would make the Commission's action consistent with Maine law. A copy of that proposed legislation is attached for your attention.

Trusting that this letter serves to answer your correspondence of March 20, I remain, Sincerely, Jon A. Lund."

So, the Attorney General has stated in this letter that there is this inconsistency. He prepared this legislation which would face the action actually taken, which would authorize the commission to act as a repository for these private funds, and I think it is an entirely proper amendment. I hope that you will vote against the indefinite postponement of the amendment.

The SPEAKER: The Chair recognizes the gentleman from Clinton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker, Ladies and Gentlemen of the House: I still think it isn't an error or inconsistency. I think this is an entire bill and should have been put in as such and asked for an appropriation.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker and Members of the House: I would like to agree with Mr. Hunter, what he had just mentioned to you.

The Committee on Judiciary had a hard time to meet. We tried to gather the committee on three different occasions. By agreement of the Chairman, Mrs. Baker, the committee members went up there three times, we finally gathered a majority of the committee, who, by the way, were all House members, there was no members from the Senate at the time who finally attended, and one of these amendments that are here appearing before you now is one that was rejected for the same reason, as I have just mentioned, that Mr. Hunter mentioned to you.

This is a complete bill, and this was rejected by the Appropriations Committee last year. Many of these bills, after we had refused them, were brought back by one member of the other body who did not even attend the hearing after we tried to meet on different occasions. We finally did, and it was in agreement of the committee that if these amendments were refused, they would not reappear here. I hope that you go along and accept the "Ought not to pass."

The SPEAKER: The Chair recognizes

the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: You know, for the past two legislative sessions, I sponsored the standard bred colt bill, and as representative Susi has stated, it passed both branches but it never had funds to implement it. So the Maine harness tracks and the agricultural fairs, as well as the Horsemen's Association, put together a decent standard bred program that I was trying to get funds for from the State.

As Representative Susi has stated, we need someone, an independent body, to run the program. It was our opinion at the time when we were putting this program together through the horsemen and the Maine Fair Association and the tracks that the Harness Racing Commission has the authority to do it, which they haven't got. It is apparent by a letter that was stated by Representative Susi. This puts them in a position, a legal position, to run the program. There is not any state money involved, in no way is there any state money involved, so I would hope that you people, in your wisdom this morning, would reject the motion of the gentleman from Kennebec County, Mr. Hunter, and support this amendment.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Members of the House: At the offset this morning, you have to realize that either you will pass these things because errors or inconsistencies, or else it is a substantive change in the law. This particular amendment, this is truly a substantive change. This was never into law before, and it will be the law now if you pass it. I am not interested in the money part of it, and the program itself, I don't know anything about it. But the thing is that this is a substantive change, and on that principle, this is why we suggest that this amendment and others that have such a change do not pass. I hope that you support the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes

the gentlelady from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Members of the House: I am not going to defend this amendment or oppose it, but I think that you ought to understand perhaps that what this does, it really gives the commission the authority to handle the funds, to receive them and disburse them. It does not involve any state money, as I understand it. Of course, there is a possibility that they may be asking for state funds at some later date, but it is not necessary that they have to be granted.

I think that this simply gives the commission the authority to receive and disburse the funds, but I want you to use your own judgment as to whether or not you want to pass it.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Brown.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for not having listened to all of the debate, because I had to leave briefly, but I can say that this particular proposal, which I do not believe costs the state any additional funds, has the support of the entire industry, including the Maine Association of Agricultural Fairs, Maine Horsemen's Association, Scarborough Downs, Lewiston Raceways and I believe everybody in the state that is involved in this activity. So they are very interested in passage of this — anything that will clear it up.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker and Members of the House: Much point has been made of the fact that this wasn't entered as a bill, and I would like to explain that there was certainly no objection on the part of those who were interested in this topic to its coming in the form of a bill and there certainly wouldn't have been no objection to it. Actually, this inconsistency was discovered by the Attorney General's Office and was the first knowledge of in on March 9. That was too late to enter a bill on this, and I have no doubt in my own mind this is the proper way to handle it.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: We have been told that this isn't going to cost the state any money. I would ask through the Chair, of anyone who would care to answer, if there will be as much money left for the state's cut after these races as they presently received into the General Fund?

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, poses a question through the Chair to any member who may answer if he or she wishes.

The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker and Members of the House: This doesn't affect the General Fund one bit, with the exception, in my opinion, it will probably, and I say most probably, generate more interest at the agricultural fairs and the raceways as far as these colt programs are concerned where parimutuel betting is and in my opinion it will probably generate more money for the General Fund. But as far as taking anything out of the state's percentage of the parimutuel pool that goes into the general fund, it doesn't take one single cent.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier:

Mr. GAUTHIER: Mr. Speaker and Members of the House: It probably doesn't affect the General Fund at the present time, but I agree and grant you that in the 107th you will find that probably, as they did last year, they will come back for another \$50,000.

Mr. Susi of Pittsfield was granted permission to speak a third time.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: Whether or not some member of the legislature in the next session will be here asking for money to support a colt program in the main is something that I couldn't possibly project. I don't know whether that will happen or not. But my point is this, whether or not a member does this is completely independent of what action you take on this amendment here today, because in no way does this amendment expedite the asking for funds in any ensuing session. It has nothing to do with it. We can ask for funds regardless of

whether or not this amendment is acted on.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: I did come in a little late on the debate on this. So far it has not been satisfactorily explained to me. If these people are not asking for any state money, for the life of me, I can't see what objection there is to doing all these things that they want to do with their own funds. I hope somebody will clear my thinking on this. Frankly, I don't see what they need to clarify the law to raise colts or anything else or potatoes or onions or what have you, but it seems to me any of us could do it if we wanted to if we are not asking for state money. Frankly, I fail to see the merit of this change. Certainly this is one of the things that I have always objected to in these errors and inconsistencies so called, that many very important things get by at the time of consideration of this bill. I will have to vote against the amendment.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: This is again whether you want to use this type of vehicle to pass laws, and this is what it is all about. It was agreed here, it was mentioned, that they tried on March 9 to put in a bill to put this in, but by their actions they have subjected themselves to the deduction that this should have been in the form of a bill. If you believe we should pass a bill, or whatever it is, in this particular session, this is up to you. This is something which I cannot buy. I would probably vote different if this was in the form of a bill, but I cannot buy it because of the way it is being done through this bill. I don't think it should be that way and I think it is very incorrect to do so.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I could no more agree with the gentleman from Sanford, Mr. Gauthier, and I would be

the first one to oppose the procedure if that was the case, because both he and I remember very well, give me the bill but I don't need the money, and then we adjourn, we wind up with a council order, and then it winds up a current service item come the next session of the legislature. But believe me, this is not so. This is an entirely different situation, totally independent from this thing appearing as a current services item at the next budget. If there is going to be anything happen, it could happen in two weeks by a bill presented with funds separate from this idea here for money for a program.

Secondly, it could happen if a bill passes at the next session of the legislature. I agree with him, but I assure him that this is absolutely independent from what both he and I are thinking of and were thinking on the same wave length.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Willard.

Mr. WILLARD: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a question for anybody who would like to answer. What the total take was for parimutuel in the General Fund of the last year? Also, will this bill take any money from the General Fund?

The SPEAKER: The gentleman from Bethel, Mr. Willard, poses a question through the Chair to anyone who may answer if he or she wishes.

The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I would say around the area of a million, two, give or take a few bananas.

Mr. Gauthier of Sanford was granted permission to speak a third time.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: In answer to Mr. Jalbert, who is on the Appropriations Committee, this bill last year appeared in that committee for \$50,000 and it was rejected.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: The remark the gentleman from Sanford just made is not true. This amendment is not

the bill that I sponsored in the last session or the session before. It is absolutely incorrect. This was put in, in the very lateness of the hour of this session because we who are involved in the program didn't realize that the commission didn't have the necessary statutory authority. Believe me, this amendment that was presented in the Senate has nothing to do with the bill that I had in the last two regular sessions.

Mr. Gauthier of Sanford was granted permission to speak a fourth time.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: It was mentioned that it wasn't true. I would like to answer Mr. Kelleher that this was brought out before the committee.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Trask.

Mr. TRASK: Mr. Speaker, Ladies and Gentlemen of the House: It is not often that I get up on this floor to take the same side as my good friend from Pittsfield, Mr. Susi, but this time I think I do have to agree with him. This bill was in the last session. We have accepted the concept of it. The only reason it was turned down was because of the money. The horse men are willing to put the money into it, but they need someone to administer it. I hope you will defeat the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Willard.

Mr. WILLARD: Mr. Speaker, Ladies and Gentlemen of the House: This looks like upkeep from something that is paying for the General Fund and I am in favor of it.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: The only thing is, we have quite a few of these bills coming up, and I hope that we stick to the truth. When somebody says that this was brought up in the last session, it was not brought up in the last session. This particular amendment, this particular concept right here, was not part of the bill in the last session. When the other bill failed in the last session, that was the other part of the bill, this is a new addition to the law; this is what it is. If

you want it in, vote for it; if you don't, don't vote for it.

Mr. Hunter of Clinton was granted permission to speak a third time.

Mr. HUNTER: Mr. Speaker, Ladies and Gentlemen of the House: I am no expert on horse racing, but I was just wondering, if this program they say is going to be self-supporting out of the horsemen, I was wondering if they can't set up this program, why does it have to be in here? Maybe it has to be, I don't know.

The SPEAKER: The gentleman from Clinton poses a question through the Chair asking the reason for the bill being submitted?

The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: We are hearing a lot of discussion pro and con on horses, but the way I read this Senate Amendment "B", it says, "The commission, by regulation, may define and strain the Maine standard bred horses, bred and owned in the State of Maine and registered with the Commission in its registry book." What they are attempting to do, as I see it, is establish a strain of Maine bred horses, and that would have the same power in advertising the State of Maine as what the Maine lobster does, and I think this is a good thing.

Mr. Hunter of Clinton requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Clinton, Mr. Hunter, that Senate Amendment "B" be indefinitely postponed in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Berry, G. W.; Berube, Birt, Bragdon, Brawn, Carrier, Carter, Dow, Dunn, Emery, D. F.; Farnham,

Ferris, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Hamblen, Hunter, Immonen, Jackson, LaPointe, Lawry, Murchison, Palmer, Peterson, Shaw, Talbot, Tierney.

NAY — Albert, Baker, Berry, P. P.; Binnette, Bither, Boudreau, Briggs, Brown, Bunker, Bustin, Cameron, Carey, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Dam, Davis, Donaghy, Drigotas, Dudley, Dunleavy, Dyar, Farley, Farrington, Fecteau, Finemore, Flynn, Fraser, Gahagan, Garsoe, Genest, Good, Greenlaw, Hancock, Herrick, Hobbins, Hoffses, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LeBlanc, Lewis, E.; Lewis, J.; Lynch, MacLeod, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murray, Najarian, Norris, O'Brien, Parks, Ricker, Rolde, Rollins, Ross, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Sproul, Stillings, Susi, Tanguay, Trask, Twitchell, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.

ABSENT — Crommett, Deshaies, Evans, Faucher, Huber, Littlefield, Maddox, Perkins, Pontbriand, Pratt, Santoro, Sheltra, Soulas, Strout, Theriault, Trumbull.

Yes, 28; No, 105; Absent, 16.

The SPEAKER: Twenty-eight having voted in the affirmative and one hundred five in the negative, with sixteen being absent, the motion does not prevail.

Thereupon, Senate Amendment "B" was adopted in concurrence.

Senate Amendment "C" (S-429) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: This amendment was voted down by the committee on the premise that this is a very substantive change in the law. If you had time to look under the statute of the proposal, which is a very lengthy one, you would have found so. I can only

refer you to what this Amendment "C" says on the second page, on the reverse page, and where it says Section 43C just above number ten, where it says, subsection 10 of Section 685 titled 12 Revised Statutes enacted by Section 5 is repealed and the following is enacted in place thereof. Now, if this was law already, this wouldn't have to be enacted, this would be a correction in the error that was made. So for that reason, the committee found to not let it in and I move for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: First of all, in reference to the remarks of the gentleman from Westbrook, this is not a substantial change in the law. It is true, in fact, that the committee did not deal with it. I offered it to the committee at the time and they did not deal with it because of the basic reason that when I went up there I guess there was no lawyers left around. I would like to tell you what it is and you can make your own judgment as to whether you want it or not.

I believe it was the intent of the legislature to allow the commission to issue permits or persons the right to construct houses, especially if they were constructed and already there, that they have the right to issue a variance and that is what the law provided in the original law. If you go back to Title 12 you will find that very well spelled out.

What happened is that there was an action that was brought by certain groups against the action of the commission. The commission had allowed a variance. Even though no zoning map had been done and zoning had not been done in the wildlands, the commission allowed the variance to be issued and the permit to be issued because they felt in the long run, since the building was already there, it should not be removed. The Attorney General's Office, upon request, ruled that the way that that variance provision was written, if anyone took it to court, in effect what would happen, we would be forced, the state would be forced not to allow any construction whatsoever in the

unorganized territories until zoning was done, finished.

I think it was the intent of the legislature, when the law was enacted, to allow variances to be issued and to allow the commission the power to issue these variances. If the amendment is defeated the only thing that is going to happen is that I, or any other member of the citizenry, or for that matter the Natural Resource Council or any such group, could immediately bring suit against the State of Maine and force the commission to prevent the issuing of permits in the unorganized territory until zoning maps had been completed in the entire wildlands area. I don't believe that that is the intent of the legislature, but that is the way the law is being interpreted.

The reason the entire section is being removed is to make sure that when it is rewritten that you have one new section in there and it reads properly, rather than simply yanking in words and yanking out words. Obviously, if you kill this, it isn't going to affect me because I obviously don't have a house in the unorganized that a permit is pending but you are going to affect an awful lot of people that is presently applying and complying with the law for permits and they will not be in the position to get one if a group petitions the State and says, "we don't want anymore issued," because that is the way the Attorney General's Office is interpreting that section of the law. I don't believe it was the intent of the legislature to do that; that is why I don't think it is a substantial change in the law.

It is not a substantial change in intent. It may be a change in wording, but the intent of the legislature and the legislation remains the way we had intended it to be three years ago. I would certainly hope that you would vote against the motion of indefinite postponement and I would request a division.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: When Mr. Martin mentioned to you that probably the bill wasn't understood because there

were no lawyers at the committee hearing, I would like to tell you that the majority of the lawyers that were on our committee weren't there all year, so it wasn't the first time. We had to do the work by ourselves, and the people that were there really worked hard all year because we had the most bills of any committee in this House. We did it with the best knowledge that we had and, I think we have done a very good job.

The SPEAKER: The pending question is the motion of the gentleman from Westbrook, Mr. Carrier, that the House indefinitely postpone Senate Amendment "C" in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

15 having voted in the affirmative and 86 having voted in the negative, the motion did not prevail.

Thereupon, Senate Amendment "C" was adopted in concurrence.

Senate Amendment "D" (S-431) was read by the Clerk and adopted in concurrence.

Senate Amendment "E" (S-432) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Members of the House: I don't want to leave at the start the image that I am against everything this morning. I am only trying to uphold what the committee has done and why. This is why at the beginning, before we tackled these amendments on the bill that I suggested that if you want to use this vehicle, I think that we are proceeding wrongly. That is strictly my opinion that I think we are proceeding very wrongly, when people tell you that this isn't a change in the law, and you know and I know, and if you don't you take the statute and look it up. That is all I have to say.

Apparently there seems to be this morning permissiveness of going along and letting people do what the rules of the House are not supposed to allow. So actually, all I am doing, on behalf of some of the members of the Judiciary Committee and myself, I am just bringing to your attention why some of these haven't been voted in, such as

Amendment "C", Amendment "E", and I don't question the content the intent or the goodness of it or the badness of it.

Under this Amendment "E", it says right there under Section 16-A that the following is repealed and that whatever it was in there is repealed and the following is enacted in place thereof, and this is new legislation. If you haven't looked at it and you are interested, later you take a good look at it. It is brand new legislation and is changing things around. It is under this premise and under these conditions that I oppose the amendment.

I move for the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: Last year in the regular session, we enacted, passed legislation which allowed state employees the same privilege that the teachers have held for a number of years and that is to set aside a portion of their salary and buy an annuity. We thought that the language was very clear, but it turned out that the Attorney General and the Finance Department of the state didn't find it clear and all this amendment does is change and protect the handling of the monies that state employees, or a state employee who buys one of these annuities, it protects the money that is taken out of his pay and that is the only change in there. I wish the department had discovered this earlier and presented us with a bill in State Government, and this was a State Government bill. There wouldn't have been any question but it would have had unanimous acceptance by the committee. I therefore urge you not to vote for indefinite postponement, because if you do, this program which we passed last year can never, never get off the ground and it was and is a good program.

The SPEAKER: The pending question is the motion of the gentleman from Westbrook, Mr. Carrier, to indefinitely postpone Senate Amendment "E" in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

9 having voted in the affirmative and 79 having voted in the negative, the motion did not prevail.

Thereupon Senate Amendment "E" was adopted in concurrence.

Senate Amendment "F" (S-433) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Cote.

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I don't know what this Senate Amendment "F" is, but I appreciate the members of the Judiciary Committee who try to explain each one of these amendments so that I and other members of this House can make up their minds on these individual amendments, how to vote.

Now, I know they have been rebuffed here trying to postpone amendments, but at the same time it gave the members of this House a chance to know what the amendment was all about. I hope that Mr. Carrier and Mr. Gauthier don't get discouraged, but I would like to have an explanation on each one of these amendments as they come up.

The SPEAKER: The gentleman from Lewiston, Mr. Cote, poses a question through the Chair to anyone who may answer if he or she wishes.

The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I think this can be regarded as an inconsistency. If you regard the intent of the Public Employees Labor Relations Board's authority to enjoin prohibited practices you would have to agree that a delay of seven days should not be allowed. In the event of a strike of public employees, as is now, their hands would be tied for seven days. So I think we can support this as an inconsistency with what I see to be the intent of the power of this board to prohibit prohibitive practices.

Thereupon Senate Amendment "F" was adopted in concurrence.

Senate Amendment "G" (S-434) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I wonder if someone would be so kind as to tell us

what the present salary is for each of those four positions.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, poses a question through the Chair to any member who may answer if he or she wishes.

The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, I move indefinite postponement.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves the indefinite postponement of Senate Amendment "G".

The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker and Members of the House: I am kind of concerned with the gentleman's motion. I am sure he supported a pay raise all the way down the line so far to comply with the guidelines that have been established for all other state employees, including a couple of changes that were also put in the Part II budget. I am sure that this could come out of here and be placed in the Part II budget, maybe where it belongs, but I do believe that I can't give him his answer as to what the present raise schedule is. I am sure he knows where he can find it as well as I can. I am sure that it doesn't increase it by that much more. I think it complies with the guidelines that we have laid down for all state employees.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman assured me that the amount in here is what is to conform with the pay raise we are giving other state employees. I am obviously not opposed to it, but I do think before we vote on it, if we are going to vote affirmatively, that we ought to know what that salary is. I think that maybe the best thing to do is move indefinite postponement and then we can reconsider it a little later after we know what the salary is.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin that the House indefinitely postpone Senate Amendment "G" in non-concurrence.

All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Birt of East Millinocket requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, I move this item lay on the table until later in today's session.

(Cries of No)

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that this matter be tabled until later in today's session pending the motion of Mr. Martin of Eagle Lake that Senate Amendment "G" be indefinitely postponed in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

77 having voted in the affirmative and 27 having voted in the negative, the motion did prevail.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Relating to Mandatory Sentences for Persons Convicted of Second Offense Breaking, Entering and Larceny or Burglary" (S. P. 957) (L. D. 2607) reporting pursuant to Joint Order (H. P. 2062) that it "Ought not to pass"

Report was signed by the following members:

Messrs. SPEERS of Kennebec
BRENNAN of Cumberland
— of the Senate
Mrs. KILROY of Portland
WHEELER of Portland
Messrs. McKERNAN of Bangor
DUNLEAVY of Presque Isle
— of the House
Minority Report of the same

Committee on same Bill reporting "Ought to pass"

Report was signed by the following members:

Mr. TANOUS of Penobscot
— of the Senate
Mrs. BAKER of Orrington
WHITE of Guilford
Mr. CARRIER of Westbrook
— of the House

Came from the Senate with the Minority Report "Ought to pass" read and accepted and the Bill passed to be engrossed.

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAUN: Mr. Speaker, I move we accept the Minority Report.

The SPEAKER: The gentleman from Oakland, Mr. Brawn, moves the House accept the Minority "Ought to pass" Report in concurrence. The Chair will order a vote. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. McKernan of Bangor requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. McKernan.

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief. I think everybody knows what the issue is here, and it is simply whether or not we are going to allow a little judicial discretion in taking into consideration the specifics of any case. This requires mandatory sentencing. I think although the issue involved here is a serious one, especially in the rural area, I think we don't want to handcuff our whole judicial system requiring that people be incarcerated, especially with the problems and the Governor's Task Force on Corrections, perhaps this

matter should be looked into more by a body like that rather than by the legislature in trying to figure out what should be done, rather than just sending people, even though they have been convicted for a second time, to Thomaston. I think that is a mistake. If we are going to continue to have some sort of judicial discretion and allow judges to weigh the merits of each case, then we can't handcuff them with a bill like this. I oppose the motion to accept the minority report.

The SPEAKER: The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I have reproduced an article in the Portland Press Herald and also a memo with it. It was placed on your desks yesterday. The other body saw fit to vote 23 to 4 in favor of this measure.

The SPEAKER: The Chair would inform the gentleman that he should not use what the other body did to help sway votes in this body.

Mr. FARRINGTON: I apologize. I think the letter I had put on your desks yesterday is very much selfexplanatory. All we are trying to do is to provide some deterrent for those who insist on breaking and entering. I believe that the courts would be free of repeated cases and therefore give speedier trials to those who should have speedy trials.

I certainly am not proud of the fact that it is necessary to have such a bill before you, but it is apparent that this is a very serious problem. Without taking any more of your time, I hope we will not indefinitely postpone this and accept the minority report.

The SPEAKER: Will the gentleman from Lewiston kindly let the man on the floor speak. Does the gentleman from Lewiston wish to say something on this bill?

The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: All the gentleman from Lewiston wants is to go home.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I didn't

want to get into this this morning, but as I was reading the paper, I read that a lad was shot dead in a window break. Apparently the youngster broke a window and he realized that he had done wrong, so he made a note out, and he went to a vacant house and got a pane of glass. He went back to put the window in to replace it, and the man in the house — and certainly in protecting his own rights — shot him and killed him. Now, the man, of course, is held. The people say that the investigation determined that probably it was an excusable homicide, but I bring this out to try and show you what you're getting into when you get into these mandatory sentences. You have got to let the judicial part of the government perform their function. This idea of the legislature saying you do this or you do that, this hits at the very foundation, in my opinion, of this country. We have three distinct branches of government, and each one of the three have their responsibilities. So I would hope that you wouldn't go on to accept mandatory sentences. Leave the job of meting out justice to the courts, to the judges whose function it is and don't tie their hands, don't make them have to do a specific thing. Let them handle their business that they certainly are very capable of doing.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I don't know how many of you travel back and forth across this State but I do. And for the past four years I have been stopping in restaurants and other places, and in the course of the conversations with the people there, they all have a fear of these breaks, the vandalism that is going on in the State and no correction being taken on it and they are blaming the judges for not doing it.

Now, I have had nothing to do with drafting this, but I think it is a very good piece of legislation. It also gives our law enforcement officers something to act on. The complaints that have been from the law enforcement officers is that they take these people into court and they are caught right in the act of committing a crime and they are found not guilty or placed on probation. If we are going to do

anything to relieve the minds of the people of the State of Maine on the fear that it is incumbent upon all the people in the State of Maine at the present time, we have got to enact something of this nature.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I support this wholeheartedly, this minority report, because in Penobscot County, these breaks are consistently from the same people and the judges have really failed to do anything about it. I think it is high time that something is put on the books for something to be done about it. Now, this is not the first time we have seen mandatory sentence. We have it now for night hunting and other things and it works very nicely. If they go out night hunting, they get caught, they know what their sentence is going to be and they are rather afraid of doing it in my area. I think if they know somebody is going to click the door behind them, they will refrain a little bit from second offenses, at least, where they now scoff at the court.

I noticed that was true in Penobscot County and I have done inquiring right in this city and in Kennebec County, and I find that the same people, generally speaking, that are doing the breaking and entering and they are caught over and over again and nothing much is done about it. So I presume, from my conversation here in Kennebec, and I know what is going on in Penobscot, that the same thing is persistent all over the State, so I do hope we accept the minority report.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalburt.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: First, apparently we are in no hurry. Secondly, it was my understanding last night that bills were being pre-engrossed. Thirdly, I would like to apologize to the gentleman from China, Mr. Farrington and if I need to apologize to the Chair, I will, but I think the Chair realizes that I am sitting here and the gentleman from China, Mr. Farrington will have to agree

that between sentences he hesitates about three minutes, forty-six seconds, so I thought he had sat down, and I don't think there is anything against the law from hollering "questions," and I shall continue to do so when I am tired of listening. If I am gaveled down, what have I got to lose?

As far as this measure here is concerned, let me tell you something that happened four days ago and I saw it. I saw this; I saw two jokers hanging around a person's house who lives near me and I could name him and you all know them. But I was talking about the gentlemen I saw. I called the police and those two people were arrested for loitering after they had been booked on the basis of attempted burglary. The individual is a good friend of mine. He is a good citizen; he is a good father, he is a widower of two years. His family has been brought up, he is alone. He said Louie, I am a little scared. I said, I will tell you what you do. Get a gun, load it, put it by your bed, and if some meathead waltzes into your house, shoot him. That is what he has done.

The SPEAKER: The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: Judicial discretion has been mentioned here. In my opinion, we have allowed judicial discretion just about long enough. Vandalism, breaking and entering, disregard for the law in general is running rampant in my county. The people that I represent are sick and tired of it. I hope you support this bill.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I happen to live in an area where we are having much uncontrollable crime. The officers are doing a fine job. As I have told you before, my own cottage, in December three men were caught right in that cottage, right in the act of vandalizing. They have never been tried to this day and they are out running the streets. Last week, the same cottage, the doors were broken, the windows were broken, they stole a \$300 trunk that I wouldn't have sold for any money, fishing rods,

tackles, dishes. They cleaned my cottage out last week and I have a good cottage. They are the same ones doing it over and over. This is why I am standing here today, and I want a mandatory sentence. I can afford to pay for what I have lost but I cannot replace some of the things that have been stolen from me.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon:

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I rise to urge you to accept the Minority "Ought to pass" Report on this bill.

The case described by Mr. Norris a few moments ago was determined to be an unfortunate accident. So I don't feel it is really pertinent to this issue. Plea bargaining too often results in justice being poorly served in this state.

I described a case to you last year where a person admitted to committing a crime of reckless homicide in an accident in which an individual was killed. He was convicted, and yet the sentence was suspended all except for 60 days.

The courts now bend over backwards to protect the rights of criminals in the state, often to the detriment of the victims. I hope you support this bill and we will tell the courts of this state that we want the rights of the victims protected as well.

As an aside, in regard to the comments of the gentleman from Lewiston, Mr. Jalbert, there was a case recently that I think came from Kansas where an individual took advice similar to that which Mr. Jalbert gave to his constituent. He owned a store. That store had been broken into two or three times, so this store owner rigged up a gun pointing towards the door and yes, ladies and gentlemen, when this store was broken into for the third or fourth time, the gun went off — it was a shotgun — and shot the culprit in the legs crippling him. Ladies and gentlemen, do you know that person sued the store owner and won. Now, where is the justice in that?

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Each day permissiveness and leniency creeps

more and more into our society. Judicial discretion, as has been mentioned, perhaps is philosophically sound, but we need to do something to assure a better quality of justice. Decisions nowadays are too often in favor of the criminals, so a great many of these persons are absolutely scoffing at the law. Police are discouraged; our people are afraid, and there is not one thing we can do about decisions once they are rendered. Certainly in the eyes of our esteemed barristers throughout the state, mandatory sentencing is very distasteful; it hurts their pocketbook. But I think that today we certainly should go along with this idea, and I also favor the Report B.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Webber.

Mr. WEBBER: Mr. Speaker, Ladies and Gentlemen of the House: I have here in my hand petitions of concerned citizens of Waldo County. There are over 500 signatures on this and what they are concerned about they say here, number one, high rate of court dismissals, probation while on probation, lenient sentences, overusage of postponements of serious crimes. So, ladies and gentlemen of the House, I support the minority report for these concerned citizens of Waldo County.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: I certainly violently disagree with my friends here in the House who say that leave this thing to the courts. I disagree with them that this is not a function for this legislature. In my opinion it is a legitimate function of this legislature, and I am certainly going to add my voice to the acceptance of the minority report of the committee.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I think generally speaking I personally oppose the concept of mandatory sentences. I think basically I would have to concur with the remarks of the

gentleman from Bangor, Mr. McKernan. But this morning I think I am going to vote for this bill for some very obvious reasons, that a large number of people in Hancock County are generally concerned about the situation of rural crime and the decisions which are coming out of the courts. I think the gentleman from Belfast just indicated to you some very excellent reasons why the people in rural areas are concerned about the problems of rural crime.

I would like to suggest to the members of the Legal Affairs Committee that conduct a series of hearings this summer, that perhaps they address the question of mandatory sentencing and review it and not only discuss it with members of people in rural communities but also with perhaps members of the Judiciary. I would urge you this morning to vote for the minority report and let's see how effective this law could be.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker and Members of the House: Many people here have asked, if asked tonight what would be the most effective way of deterring crime, I would hazard a guess, based by the people that have already spoken, that the majority here would say stiffer penalties. When in fact, most experts in criminal justice will testify that the seriousness of the penalty does nothing to deter the crime nor does it do anything to deter repeated offenses. But evidence has shown that the equal treatment in court of all offenders found guilty of a crime will in fact reduce the incidents, not how stiff the penalties are, but equal enforcement of the law for everybody, regardless of who you are, and that is what you are calling permissiveness in the court. I have seen more people go to court and because of their economic circumstances they are treated one way when someone else with more favorable economic circumstances are treated the other. If you want equality in justice, then let's put an equality bill in here that says that everyone will be treated the same in the courts.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker and Members of the House: After hearing my good friend Mr. Whitzell regarding putting something in the law that would be treated equally, I think this is a good measure. This is going to treat them all equally. After they have committed one offense and they are out and they commit the second offense, they sure are going to be treated right because they are going to get a mandatory sentence, and that I think is right. Our people are getting disturbed because we have a lot of judges who have different thoughts, different ideas. Some are more lenient than others, and then people are wondering what is going on. The police are discouraged. They hate to do a job sometimes; they would like to get away from it. But they do know if they take over these people and they bring them up before the bar of justice, they are not given the right sentences. I think this is a good measure, and I will support Report B.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Willard.

Mr. WILLARD: Mr. Speaker, Ladies and Gentlemen of the House: I would take into account Mr. Whitzell's statement that the punishment is no deterrent to the person committing crimes, and unless human nature has changed since I was a boy, that isn't true.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Mulkern.

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I am going to support the minority report on this bill today. I have continually, and I think my record will indicate this, voted for legislation in this House that supports the concept of rehabilitation of criminals. But I would not want to give anyone the impression that I am soft on crime. I think perhaps if we go along with this minority report, perhaps if we impose these mandatory sentences and put second offense burglars away for a couple of years and we combine this with a good rehabilitation program, maybe we can straighten a few of these people out. I know there is a great deal of problem here, and I am going to go along with this minority report today.

The SPEAKER: The Chair recognizes

the gentleman from Portland, Mr. LaPointe.

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: It is not often I disagree with my colleague from Portland, Mr. Mulkern. However, I think that this set of circumstances has provided me with that opportunity. I think Shakespeare wrote "The Quality of mercy is not strained." I also hear some other members of this House saying that the quality of the Judicial system is being strained. I hear the gentleman from Kennebunk saying that we should abolish plea bargaining. I might suggest to that gentleman to put in a bill, if he gets reelected, to do just that.

Some people in the back row are saying, let's get on with restitution, let's come up with some legislation that says if a person burglarizes a house, who breaks and enters and steals property, maybe we should have a law on the books which provides for restitution. But the other point that I have to disagree with my colleague from Portland over is the question of rehabilitation. We did have a rehabilitation bill before this body. We did have a prison reform measure. That was vigorously and strenuously opposed. Ladies and gentlemen of the House, I submit to you this morning that if we go with this mandatory sentencing the way it is written right now, sure we are going to get these people off the street, but one thing I can assure you that we are going to be doing is we are going to be sending them to the College of Crime in Thomaston.

We are all aware of the high recidivism rate in our correctional institutions. Maine might not be as serious as other states in the country, but as the gentleman from Bangor has pointed out, we are handcuffing the judicial system. We are sending these people away for two years, three years, I don't know what the sentence is, but we are sending them to a college of crime, and that is what Thomaston is. We are not providing an adequate amount of money to rehabilitation programs there, and the simple prison reform measure that we had before this house not too long ago died.

As the gentleman from South Portland, Mr. Perkins, stated so well, he

was pleading with us to pass that very sensitive sensible measure to try to rehabilitate these people. But under this particular provision, if you accept this minority report you are sending these people to a college of crime. I think that is a most unfortunate set of circumstances. I sympathize with the problem but I really don't think this is the ticket.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I did not suggest we should abolish plea bargaining. I said that plea bargaining too often results in justice being poorly served. That, to me, sounds like quite a different statement than the gentleman from Portland said I said.

Now the gentleman from Portland makes the statement that he doesn't favor mandatory sentences after a second offenses as contained in this bill. I would ask the gentleman very respectfully if he has any compassion for the victims, since he has a great deal of compassion for the perpetrator of the crime.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: You know, I feel much the same as the gentleman from down in Hancock County, Mr. Greenlaw. I am basically not in favor of mandatory sentences. I think we should recognize the possibility here this morning that this could possibly be counter-productive, in that with a mandatory sentence it might be more difficult in some cases to get a conviction. That is certainly what happened back a hundred years ago in Maine or 130-odd when they abolished the capital punishment. They just could not get convictions.

At this particular time, when we are finding a rather narrow area of crime that is really causing the people a great deal of consternation. I don't know if this is a panacea; I think we ought to give it a chance. I am going to vote for it today on the basis that let's see how it works; let's see if it does hurt the conviction rate. We can look at it again in another session or

another couple of sessions and see what is happening. I hope you support it.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I think those of us who are opposed to accepting the "Ought to pass" report of this bill are in no way trying to say that we agree with the criminals. All we are saying is, if this bill doesn't pass, a judge can still put a second offender in jail. This doesn't prohibit him from doing that. If we pass this bill, he still has the right to sentence people to jail. All we are saying is that in those cases where there are extreme circumstances, he should have the discretion to do what he feels is best for the victim, for the criminal and for society itself.

Now, as Mr. McMahon stated, he said that the thing that happened that I mentioned in the paper was an accident, and I agree. But if this man has to go to court, which he will, if the sentence were mandatory, it wouldn't make a darn bit of difference what was done. He would have to go to jail and serve a sentence, even though this was a horrible accident from the account in the newspaper, but if he were charged and the jury found him guilty of killing a human being under any one of the charges that they might make and you had mandatory sentences, that man would have to go to jail. There would be no redress from it.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: I think possibly the second offender is given a pretty good break under this mandatory sentencing. I believe that breaking and entering in the night time does carry a maximum sentence of 30 years imprisonment. I have been unfortunate to have breaks in my business some twelve times in the last five years, lost some \$30,000. It bothers me considerably to see these people, when they are apprehended, or if they are apprehended, to go into court and have a judge reduce the charge to a misdemeanor, sentence these people to a reformatory or prison, suspend that sentence and give them probation.

For the past year, I have been hit three

times, twice in the same month by the same gang, which did get picked up. Out of the five who were charged with breaking and entering in the nighttime, I believe one served time. Not only is the victim losing monetary values through what is stolen, but he is also losing time going into court to testify. I would state that on one case alone we were in the court eleven days. There was one person who got time; four received suspended sentences. So, on the second offense of breaking and entering in the nighttime, the maximum could have been 60 years imprisonment; if they get two years, I don't think they are hurting too much.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Dunleavy.

Mr. DUNLEAVY: Mr. Speaker, Ladies and Gentlemen of the House: A few minutes ago I had an opportunity to say to a couple of friends of mine, I told you so. It was on another bill, something that is not particularly involved here.

I would like to say that my own feeling is that if we pass this bill, we are going to have more of these people on the streets that we don't want, not less of them. All the studies show that the mandatory sentencing law does not achieve what its proponents want to achieve. Many cases which are now plea bargained to a satisfactory disposition will be tried, and some of these people who, indeed, committed these acts for which they are charged, will be acquitted on legal technicalities. After that, the fact that the indigent among them will all seek a trial and the taxpayers will be paying the cost of that.

If the judge or the prosecutor wants to be lenient, a reduction of the charge or a filing of the case could accomplish this same objective. The only way you are going to be certain of punishment in these cases is if the individual that you want behind bars is convicted.

Now, if you pass this law, you better get right on the heels of it and pass a law prohibiting plea bargaining of any sort. Less convictions will occur, not more. You will have to put on more judges and you will have to build more courthouses if you have a law such as this. More of these criminals will be put on the street than in the present situation. Believe

me, I want these outlaws punished just as much as you do, but I honestly believe and it is my conviction that if you pass this law you will have more of these criminals on the street, not less.

I have been getting a lot of notes and a lot of comments from my friends in the House insisting that we should give it a try, so I think I am going to do an about face and I am going to give it a try. I am going to vote ought to pass, and I also think that after this thing is on the books for about a year or two, I am going to be able to say, I told you so, again.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Kelley.

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will pass this bill today — I don't think I started out too well from what has happened. I would like to suggest to every member of this House that they go to their local courthouses and check the track records of the judges. We have many laws on our books which call for a minimum and maximum fine. Look and see what the judges have been doing and how seldom they get over halfway on this fine business. When it comes to rehabilitation, this bill calls for second offense. Well apparently the courts being lenient with them the first time to rehabilitate them hasn't worked. The second time around, let's try it the other way and see if we can make a little success out of our law enforcement.

I would like to mention two things to you. I come from Lincoln County and there is one individual in my town who has been put on probation over 28 times and he has yet to serve a day's sentence. I would also like to remind you of the old Gilbert and Sullivan song of The Pirates of Penzance, let the punishment fit the crime.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: It interests me here today to have before us a mandatory sentence on a second offense, because probably in the 105th, I was speaking the same thing at that time then. It was surprising in the 105th how many people were more or less against

this line of corrective measures, to try at least to prevent crime from victimizing honest, decent citizens. Yet, I stand here today and see some of our younger members, members who I think two years ago would have said, let's not have discipline or if we have discipline, it is not the correct or best system in order to stop anti-social behaviors and yet, these same young members are standing up here today and saying, let's have these mandatory sentences in a second offense. I think what we are seeing here in the State of Maine is that — I don't like to use the word permissiveness, because now the word permissiveness it seems is almost the wrong word, but I think what we are saying that in a standard of leniency, in a standard of allowing or permitting anti-social acts from one man to another's family, that it is not working out. I, too, while in my university years, would go by my teachers in sociology, psychology, that you do it and you talk and you try to persuade people and in turn they will see the right way. This sounded good to me and I believed in it until I got out into the real world, and by using this method all of a sudden I found out that I still could be robbed. I still could find myself in a misfortunate incident, because the person we were dealing with used your goodness to his advantage, and this is what I call the sad part of the attitude which they have today that the easier you are on the criminal, eventually by adjustment he will see the right way.

We all know today that we are at a fork in the road to rehabilitation, and what approach in rehabilitation are we to take? Myself, I say we must have discipline for prevention. I agree with my opposition that in the field of where these people are going to try to be rehabilitated, there has to be change also. You can't put a lock on every person that goes to jail and expect that to be the best for society. You can try to rehabilitate, but remember this, in the person who is going to abuse, who is going to be immediately anti-society to our laws, and I also stress morality here, because this has been a major part in this session, that person is going to take advantage of the good and decent only to perpetuate his own greed and desires. That is human nature, I don't care if it is

the United States today, Maine today, or years past. You are going to find eventually that discipline has got to control the criminal element and only by discipline will we again have an honest, safe America we once knew.

The SPEAKER: The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to comment on the statement that Representative Norris made. I believe he isn't in his seat now, but he will probably pick this up. I hope I am quoting him correctly. I believe he said, if this bill fails the judge still has the prerogative to sentence the second offender. Well, why have we got this bill before us? It's because they haven't been doing that, and that is just the reason we want to see this bill pass.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Members of the House: I have spent some time on this bill, and I can, to the best of my knowledge and from the guarantee that I have been given, this bill was drawn and drawn very carefully. You can almost assume a guarantee that this bill will not fail. It will not fail in putting these people where they should be in the first place.

I want to call your attention to the fact that when we had the penal bill in here that I strongly opposed this bill that we have before us to be put on as an amendment. My reasons then were very clear, that it was not germane to the issue. I had also made it clear that I would support such a bill very strongly. I have listened here to some very interesting speakers, and I share quite a few of the remarks that have been said. One of the things is that maybe all this is due to the leniency of the court, that maybe we would tie up the judges, handcuff them. Maybe some of them need a good handcuffing. But I want to tell you that this is not what I am interested in. I am interested in justice, I am interested in protecting the people of this state who live in fear, who have been hurt and who have been harmed by these individuals.

I am not so much interested in

restitution. Certain restitution you can not make, such as hurt and harm and fear. But I submit to you that if our courts are in a situation that is assumed to be here this morning, it is also because of the recent appointments that have been made within the judicial system. If you don't believe what I say, all you have to do is go down in Cumberland County and not only look at what we have but also live with it.

I submit to you that this bill here, I look at it as a deterrent. I think it would be a deterrent to me to think that I would end up in jail for a few years instead of probably getting a little slap on one hand which doesn't hurt too much. I think it would be a great deterrent, deterrent enough that I wouldn't even entertain such a thought, and I truly believe that this here, we can talk about an equality bill and all this stuff. Well, let the others put some good bills in here and we will give them the support and let it fall where it should be.

This bill here, some people mentioned plea bargaining. Well, a lot of people don't know what plea bargaining is, and I know very little about it. But I can tell you this, that under this bill right here, as far as I know, there won't be any plea bargaining, no plea bargaining allowed. We have some mandatory sentences in here for which they use the plea bargaining. But as far as I know, we went with quite a few down to the Attorney General and looked at this and covered all the possible angles of it, and no plea bargaining will be given here, because this plea bargaining, as far as I am concerned, probably should be abolished. With some good laws you don't need plea bargaining, you don't need the lawyer to get in with a judge and plead on something for a lesser charge.

Maybe this is good, I don't know. I hope that there is no plea bargaining, that they are not allowed to do plea bargaining under this particular bill. I think it is a great bill and I say that if we have to support a college of crime that we will support the college of crime. I don't call it a college of crime. I know some individuals who went there; they came back and they are toeing the mark right now. If this is the only way for them

to do it; it is for their own good. It isn't for my good. I hope that you truly support this bill.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I guess most of you suspect what my position on this bill is, that I am opposed to mandatory sentencing.

I guess I should begin by saying I have a great deal of sympathy for the problem. I understand what it is all about and I understand the kinds of people that are involved. It was only a week ago last Friday that my home in Portland was broken into and materials and money in excess of maybe \$300 were taken. The feeling I had at that time wasn't one of wanting to punish, wasn't a feeling of vindictiveness. It was one that I would like to have the things that were taken back, but I didn't want to see anybody have to spend time in jail, because I think I understand why most people who break and enter, why most people who commit larceny why most people who steal commit those particular crimes.

I think I would like to address myself to what I see is the attitude behind this particular legislation. I can exemplify that by using two examples. Most of you and I wish you would bear with me, Mr. Speaker, because I think it is germane to the bill. The recent kidnapping in California resulted in a large amount of food being distributed to people, poor people in the San Francisco area. Governor Ronald Reagan, when he observed food being distributed on one occasion, was said to have remarked and it was reported in all the papers that it is too bad we don't have an epidemic of botulism when the food was being passed out. That to me is an example of an attitude of vindictiveness of punishing people punish, punish, punish. I agree that when a person commits a crime that he should pay a penalty for that crime, but the penalty should not be excessive, it should fit the crime as somebody who supports this bill pointed out earlier.

I use another example. There is legislation now pending before the United States Congress that would

reintroduce the death penalty into our society for certain crimes. When that bill was being debated before the Senate of the Congress, the Senator from Iowa, Senator Harold Hughes introduced an amendment that said, if the death penalty law does go into effect, then we will put it on television so that everybody can witness a person being executed. He did that because he felt that the arguments the people were using in support of that bill were to show that the death penalty would act as a deterrent, and he said, Okay, if you want it to be a deterrent then let's put it on television so that everybody can see it, and that amendment was soundly defeated. That to me, again, is another example, that whole question of the death penalty, of vindictiveness and excessive punishment for a crime. I just want to point out that I believe people should pay a penalty if they commit a crime, but that it shouldn't be an excessive penalty.

The plea bargaining meant nothing to me until last summer, until we had the case of Vice President Agnew being removed from office. I didn't hear a great cry, a great scream from the kinds of people that are speaking in support of this bill today that Vice President Agnew should be sent to jail for his crime. He was stripped of his office. I personally wouldn't like to see the gentleman go to jail if he pays the penalty for his crime, and I felt the penalty that he paid by being stripped of his office was sufficient. I just hope that you vote with conscience on this bill and don't do it out of the spirit of vindictiveness.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. Cameron.

Mr. CAMERON: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to support this ought to pass report. We see by our papers that every town, we have heard different counties mentioned, our county of Penobscot, I believe every county in the state has the same problem. We know this breaking going on and we don't have less of it, we have more of it as time goes on.

This bill calls for the second offense. It wouldn't affect the first offense in any way whatsoever. The judge would have this bill to handle as he would see fit. But

the second offense would call for a mandatory jail sentence, and as I see it, that would be the only answer, I favor this "ought to Pass" report.

The SPEAKER: A roll call has been ordered.

The pending question is on the motion of the gentleman from Oakland, Mr. Brawn, that the House accept the Minority "Ought to pass" Report in concurrence on Bill "An Act Relating to Mandatory Sentences for Persons Convicted of Second Offense Breaking, Entering and Larceny or Burglary," Senate Paper 957, L. D. 2607. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Boudreau, Bragdon, Brawn, Briggs, Bunker, Bustin, Cameron, Carey, Carrier, Chick, Chonko, Churchill, Clark, Conley, Cooney, Cote, Cottrell, Cressey, Crommett, Curran, Deshaies, Donaghy, Drigotas, Dudley, Dunleavy, Dunn, Dyar, Emery, D. F.; Evans, Farley, Farrington, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Herrick, Hobbins, Hoffses, Hunter, Immonen, Jackson, Jalbert, Kauffman, Kelley, Kelley, R. P.; Keyte, Knight, LaCharite, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, McCormick, McHenry, McMahon, McNally, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Najarian, O'Brien, Palmer, Parks, Rolde, Ross, Shaw, Shute, Silverman, Smith, S.; Snowe, Sproul, Stillings, Strout, Tierney, Trask, Trumbull, Tyndale, Walker, Webber, White, Willard, Wood, M. E.; The Speaker.

NAY — Bither, Brown, Connolly, Curtis, T. S., Jr.; Farnham, Huber, Kelleher, LaPointe, Martin, Maxwell, McKernan, McTeague, Murray, Norris, Peterson, Simpson, L. E.; Smith, D. M.; Susi, Talbot, Wheeler, Whitzell.

ABSENT — Carter, Dam, Davis, Dow, Faucher, Fecteau, Gauthier, Genest, Jacques, Kilroy, Perkins, Pontbriand, Pratt, Ricker, Rollins, Santoro, Sheltra, Soulas, Tanguay, Theriault, Twitchell.

Yes, 108; No, 21; Absent, 21.

The SPEAKER: One hundred eight having voted in the affirmative and twenty-one in the negative, with twenty-one being absent, the motion does prevail.

Thereupon, the Bill was read once. Under suspension of the rules the Bill was read a second time, passed to be engrossed and sent to the Senate.

The Chair laid before the House the following tabled and later today assigned matter:

Bill "An Act to Correct Errors and Inconsistencies in the Public Laws," (S. P. 821) (L. D. 2337) New Draft (S. P. 953) (L. D. 2606) (Emergency)

Tabled — By Mr. Simpson of Standish.

Pending — Motion of Mr. Martin of Eagle Lake to indefinitely postpone Senate Amendment "G".

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, I have gotten a copy of the existing law and also the amendment. For your information, what it does is basically make it retroactive to April 1 to conform with other state employees. I think this is fair and in conformity with what we intended to do with the other people. Besides the gentleman from Lewiston, Mr. Jalbert, told me that we really don't have to worry, the Democrats are going to be occupying those spots anyway.

I will now withdraw my motion of indefinite postpone of the Senate Amendment.

Thereupon, Senate Amendment "G" was adopted in concurrence.

Senate Amendment "H" (S-436) was read by the Clerk.

The SPEAKER: The Chair recognizes the Gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I have some reservations about this particular amendment, in that I feel that it does make some very definite changes in the law. It does bring about actually three changes in the fine somewhat. It puts a maximum on and the fine could, according to what information I could get, could continue each day with the maximum fine of up to \$100. It also does

allow the closing of a building which, to me, would be, although it might certainly be called for and worthwhile, it still goes a little beyond what I think should be done without at least a public hearing. In establishing a public nuisance, there is quite some change in the law there. I frankly think this was some type of a law that could affect a lot of old buildings, but at the same time, the people in the state should have a chance to make some comments on it. I feel it is the type of bill that should have a public hearing and I am going to move to indefinitely postpone Senate Amendment "H."

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I would support the motion to indefinitely postpone. These matters generally come up before our Committee on Legal Affairs, and we have had stuff like this come before us. As a matter of fact, in 1973 we changed the law. We set the fine at that time at \$50 for each offense and this certainly is not in thinking with the committee; this is a \$100 fine. But there is something that is added here that goes beyond what the committee wanted. We had said at one time that the dilapidated building could be removed because of dilapidated conditions or want of repair, but now they have added the word "age" to it. A building can be in fantastic shape, like some of our people here can be in fantastic shape, but because of their age suddenly they are going to be destroyed.

We used to have recourse to the courts. If somebody wasn't happy with the decision, they could go to court in some of the sections we had under this law; that is no longer true. Now, you go to the guy's boss who inspected the building, the Commissioner of Public Safety, and it says right here in this amendment that he shall have the final decision to make. So you no longer have recourse in the courts like you had. I would certainly support the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I arise to oppose the motion of indefinite

postponement. Maybe, as Mr. Carey has said, that the word age shouldn't have appeared in this amendment, but to indefinitely postpone the whole amendment because of the word age or fine, I think this would be wrong on the part of the House.

As the law is now, it says that any municipality of over 2,000 inhabitants shall annually appoint an inspector of buildings. And any municipality of less than 2,000 inhabitants shall, if they so desire, appoint an inspector of buildings. That law is vague and it does come under Title 25, I think Chapter 313.

As the law is now, a building inspector in a municipality can call upon the State Fire Marshal, if they feel the conditions warrant it, or that it would be beyond maybe their scope of inspection. But as the law is written now, there is nothing that allows the fire marshal to close a building for occupancy.

In some of the buildings that I have been involved with, there has been a lot of home or owner repair work done, and I have definitely nothing against this because I am in that business of rentals and I do a lot of my own work. But when it comes to certain work, then I think there is definitely a place to draw the line.

I can cite one incidence in my own town where last November, the middle of November it was, where the state inspection came in with myself and the fire chief, and the gentleman from the electrical division, the oil burner division, and from the fire prevention. We went into a building that was being converted into eight apartments. While we were there, the first thing going into the buildings, we saw a wicked mess, and anybody who didn't know the least thing about buildings would realize what a mess the building was in and they wouldn't want to stay in this building overnight or even, I would say, for one hour. While we were there, one of the tenants came down. I got to talking with him on the heating system; I asked him how it was to heat, was he burning much oil or was he keeping warm, and he said, "Yes, I am keeping warm now." I said, "What do you mean, now?" Well, he said, "The landlord came over and did some work on the furnace." And I said,

"Yes, that is why I asked you the question, because I see a pump laying there and a transformer and I figured he must have done some work." He said, "Oh yes, he changed those parts because they were worn out and then it didn't work good and it didn't heat, so he came over and he reached inside and put a little thing on the end of the pipe inside." I said, "You mean a nozzle?" He said, "I don't know," so looking around the cellar, I did find the nozzle and I said, did it look something like this? He said, yes, so then I asked him to go upstairs and turn his thermostat up, it was a single pipe, hot air furnace, and when he turned it up the furnace was way, way over-fired, way beyond the capacity of what the chimney could take, or even the firebox could take. This was done so the tenant wouldn't complain and so they would be warm.

We can, in a town, any town, you can go to court and you can take people under the public nuisance law and your case will be thrown out. It is no different than when you take a case into court for persons plumbing without a license or plumbing without a permit or working for compensation in violation of the licensing laws of the state. The judge will say, "Well, I don't want to take them on all three, let's take them on a lesser one." This has happened to me in quite a few instances. The man pays the \$25 fine he goes right back out and in no time at all he has made back his \$25, plus a good, healthy profit.

What this amendment does, mainly, is to allow the State Fire Marshal's Office to forbid the use of the building until the correction is made. Now, they can do this in the case of public buildings. They can do this in case of schools or any public building or municipal building or anything else, but this gets it down to buildings. And there should be a concern of every member of the House here today, because the more fires you have in your community, the higher your rate of insurance goes up, not only the money factor, but the factor of personal injury or death to anybody that could be living in this substandard housing.

Now, we have heard a lot about substandard housing; we have heard a lot about Maine Housing Authority, and here is a chance to get some of these

people out of these places that are fire traps and death traps. I don't think the department is asking for anything beyond what they should have. Maybe if the word, by reason of age, or the fine, if it should bother anyone, and a fine to me wouldn't bother because we talk about mandatory sentences and we want to tighten up on all these violations of the law, so one good way to tighten up on violations of the law is to put a stiffer fine, that shouldn't be. But if the reason of age is the reason this should be killed, then maybe somebody could table this until later today and redraft it and take the word age out. Other than that, this is a good amendment. This is an amendment that should receive consideration of every member in this House, if they have any concern for individuals living in the fire traps and the slums that they are living in the State of Maine today. When I speak of slums and fire traps, I am not referring to the cities, I am referring to small municipalities too.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to support the amendment. I would like to read a few articles from today's Portland Press Herald, York County edition. The headline reads, "Fatal fire began in the kitchen" and goes on to explain that a young girl was critically injured and her mother and four year old brother were also critically injured. One daughter died from smoke inhalation. The mother was also eight months along, lost the child, in one of these buildings that we are talking about now. I would like to mention that the owner of the building is the Metropolitan Corporation, it is called, of Biddeford. Now, on that same front page, next column over, the headline reads "Six more tenements ordered torn down" and it goes on to say that three of those tenements are owned by the Metropolitan Corporation of Biddeford. This problem exists and we are not going to get at the roots of this problem by rejecting this amendment.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker, Ladies and Gentlemen of the House: If you are looking for the culprit who had the Senate Amendment drafted, it was the gentleman standing before you right now. The reason I had it drafted was because in Gardiner there is a site called the American Tissue site, which burned down in November of 1970. Because of the lack of enforcement or reluctance on behalf of the community to attempt to tear this building down — there is a 150 foot chimney which stands there — there are many children in the neighborhood, mine being one of them, who has gone into that mill site. It is not legally posted. There is no fence around it, and that whole chimney has a tendency to lean and sections of the bricks blow off every day. We have been trying in the City of Gardiner for four years to remove this structure. Finally, we came to the State Fire Marshal and asked him to do it under Title 25, Section 2392.

For the question that was raised on age, I can read in Section 2392, from the law book, that age is already one of the conditions which would be used to determine a dangerous matter. The reason for the rewording of Section 2392 by the Attorney General was that the law was changed in 1973, but it was a cut and paste job. There was no continuity of sentence. It did not start out by saying that State Fire Marshal shall inspect and then give the time requirements and then give the next step in procedure, the appeal. The statute did not read in any logical order. When I talked to the Attorney General, he told me that that alone would create a problem, were he to be taken to court by the same gentleman who owns that site and refuses to tear it down. The gentleman said the people that own the American Tissue site have notified the City of Gardiner that if we touch one single brick that we will be involved in a million dollar law suit. Now, a million dollar law suit could not possibly be defended by the city solicitor, which would mean that we could be taking on \$100,000 in extra legal fees to fight the law suit. So the Attorney General did draft this particular rewrite of 2392 to make that perfectly clear that the state has the authority that the inspector that laid down the authority, the time limits and if you took a moment

to read 2392, you would see there is no real change in the language, but a rewording setting things out in their proper order. I would urge that you would vote against the indefinite postponement of this amendment.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker and Members of the House: The gentleman from Gardiner, Mr. Whitzell, is correct. The word age does appear in there and it was found in another area apart from the area that this thing started from. But the law also says that the state fire marshal and fire inspectors, upon the complaint of any person, or whomever he or they shall deem it necessary, may inspect the cost of being inspected all buildings and premises within their jurisdiction. It also says that any building or stuff that is left over from building a structure which for want of repair for reason of age or dilapidated condition or any other causes, especially liable to fire or which is so situated as to endanger other property or the safety of the public or whenever such officer shall find in or around any building combustible or explosive matter or other conditions dangerous to the safety of such buildings or where such officer shall find any building which has been gutted by fire or whenever such officer shall find that the debris remaining from a building which has been destroyed by fire or otherwise, he shall order the same to be removed or remedied and such orders shall forthwith be complied with by the owner or occupant. So it is already in the law. What he is already looking for is right in the law and there is no need — all this thing does is say that it is taken out of the courts, so he must be worried about his city solicitor or town solicitor not being able to defend what might be a million dollar suit and that I doubt very much.

I wish the gentleman was a little more tied to his municipality than he seems to be. The fact that the fine has been increased and is made a daily thing—his problem can be remedied by the existing law and maybe Mr. Emery, who is the chairman of the Legal Affairs Committee, he hasn't got the books with him, but he might be able to substantiate

that we did in effect have this before us in 1973.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: As far as my good friend from Waterville, Mr. Carey, has gone, if he had gone a little further, the difference in this amendment and what it presently is, if he had read on he would have read if such order is made by any fire inspector, such owner or occupant may, within 24 hours, appeal to the insurance commissioner who shall within ten days review such order and file his decision thereon. His decision shall be final and shall be complied with within such time as may be fixed in said order or decision by the insurance commissioner.

Now, the difference in that language that is there now, in that section of 2392, and what is in the bill primarily says that the building, if it is found to be unsuitable, it can be closed.

Now the other thing is, as far as the fines, yes, the fines have been upped. The fines have been upped by a fine of not more than \$100.

Previously it read that they shall be punished by a fine of not less than \$20 nor more than \$50 for each offense. So, now it is left up to the courts of not more than \$100, so they could under this amendment, even though it is set to increase the fines, it could be left to say that they could be only fined \$5. The meat of this amendment is that the fire marshal can say when he comes to an apartment building, until these changes are made to bring this building into conformity, and as far as the rules and regulations in the State of Maine are concerned or the building codes, they are not that tough, they are not that tough at all. If you people could go into these houses, these substandard houses and see the way the people are living and the landlord is collecting the rent and the conditions that exist, then there would be no hesitation today to adopt this amendment.

I would hope that you people today would not vote to indefinitely postpone this but vote to adopt it and show the people in the state that we do have some concern for those people that are being

victimized or being forced to live in substandard housing.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly let me give you the history of this. There are two different sections under the law that deal with delapidated buildings and dangerous buildings. One of them is under Title 17, and under Title 17, Section 2851, that is where the municipality has the authority to tear down delapidated buildings.

Well, we had gone as far as we could go under that statute, yet we were still faced with a million dollar law suit if we touched one brick of that building, because the person who owns it lives out of state. He comes from Maryland. Now, what we had to do, since we couldn't get any satisfaction, we couldn't have this thing abated through that statute, we went to the State Fire Marshal. The State Fire Marshal and the Attorney General's Office had first said yes, then they sent another letter and said no, we will not handle it because we don't feel that we have the facts that substantiate that you have gone as far as you can go under Title 17. The Attorney General later met with city officials and the city solicitor and we had gone through every step, every procedure the municipality had done.

Currently, and since 1968, there has been an order to the Fire Marshal's Office that the state shall not take part in any of these claims under this title, unless the municipality had exhausted its avenues of relief. In our case, we proved that we had exhausted our avenue of relief. The Attorney General said that he could take it.

When I conferred with Attorney General Jon Lund on this item, he said this is a horrible statute under 2392. He said it is a cut and paste job, and it does not set forth step by step procedures that the department would take. I asked if he would rewrite it, and I said I would see if I could ask the people over in Judiciary if they would accept it in. I talked to the chairman of the committee who said that if one person on a committee refused it, then it wouldn't go in. It didn't go in, and he said, you can offer it as an

amendment. Since the bill was over in the Senate, I asked Jerrold Speers, who is my Senator to offer it, and he did and it was accepted and he explained why.

The section that Mr. Carey mentioned that there was no due process in court for appeal is under section 2392. We didn't change that part of the statute; 2393 says that if they file a complaint, they go to the Superior Court in the county where the building is located and that the insurance commissioner would represent—at the order of the insurance commission. So there is this redress under 2393. What we were looking for under 2392 was continuity; it didn't read well. He can go to court with the existing statute, but why take the chance of having the state trimmed in court because the language is vague? So, what he wanted to do was set down authority and who could determine right through the process, and that is how George West drafted it, was approved by the Attorney General and is on the bill and it is an important amendment, not only to the people of Gardiner but to the state because the state is going to walk into court and be trounced by a large corporation which is unwilling to abate a known public nuisance. Many of you that have driven through Gardiner and know what I am talking about. Senator Muskie came to my house about a month ago and the first thing the Senator said was, "That is one heck of a mess you have down on the place. That chimney looks like it is ready to fall." Well, the fact of the matter is, it is almost ready to fall and there are many children and it is a residential neighborhood and we would like to have the thing abated.

The SPEAKER: The pending question is on the motion of the gentleman from East Millinocket, Mr. Birt, to indefinitely postpone Senate Amendment "H" in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

40 having voted in the affirmative and 49 in the negative, the motion did not prevail.

Thereupon, Senate Amendment "H" was adopted in concurrence.

Senate Amendment "I" (S-437) was read by the Clerk.

The SPEAKER: Is it the pleasure of the House to adopt Senate Amendment "I" in concurrence?

(Cries of Yes and No)

The Chair will order a vote. All in favor of adopting Senate Amendment "I" will vote yes; those opposed will vote no.

A vote of the House was taken.

54 having voted in the affirmative and 12 having voted in the negative, the motion did prevail.

Senate Amendment "K" (S-439) was read by the Clerk and adopted in concurrence.

Senate Amendment "L" was read by the Clerk and adopted in concurrence.

Senate Amendment "N" (S-442) was read by the Clerk and adopted in concurrence.

Senate Amendment "O" (S-443) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. LaPointe.

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: I wanted to address myself to this particular amendment today because it attempts to clarify a bill that we passed in the regular session relative to community-based services for the mentally retarded. The problem with the bill, or the legislation as currently written and therefore requiring this correction in the omnibus bill, is that it does not specify capital construction and purchase of buildings.

When this bill was heard before the Health and Institutional Services Committee in the regular session, I quite frankly was under the impression that the appropriation was going towards development of services. By services I mean services to the mentally retarded.

Last fall I had an opportunity to attend a meeting in York County at the invitation of Representative Goodwin, at which time a number of people who were parents of mentally retarded children indicated that the department was not providing any sort of services to their way of thinking. I indicated to them at that time that we had passed this particular bill and there should be something on the line.

As a result of that particular meeting with this association of parents of the

mentally retarded. I inquired of the department as to how this particular money that was appropriated in this bill was being spent. I found out, as a result of my communication, that a portion of the money was going into bricks and mortar programs to help capitalize the cost of group homes in both Bangor and Waterville. This was not, in my opinion, the intent of the legislation. Again, I repeat, I was under the impression that the money was going to be used for the development of services, services which are much needed, by the way.

Sometime in January, I wrote a letter to the former House Chairman of the Appropriations Committee, Mr. Haskell from Houlton, and indicated to him my concern that the department, to my way of thinking, to my understanding of the bill, was going in to help capitalize these group homes in these respective communities.

I think the need has been demonstrated in the public clamor, particularly those people who have children that are mentally retarded indicate they would like to have more services developed. State plans I have read that have been compiled by the department indicated interests in these sort of services as well. However, I do not think that the department, at least under this particular piece of legislation, should be assisting in the capitalization of these group homes. So I oppose this amendment and I hope that when the vote is taken, it will be by a division. Mr. Speaker, if it is in order, I will make a motion to indefinitely postpone the amendment.

The SPEAKER: The Chair recognizes the gentlewoman from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker, Ladies and Gentlemen of the House: This has been a worry of mine all session. The gentleman from Portland, Mr. LaPointe, indicated that he did not feel that the intent of this bill was for any construction. It was heard during the last session, and I was very grateful indeed that the Appropriations Committee, did fund this. Of course, the whole problem is that we didn't say construction, stones and mortar; we said services, and there we made our mistake.

I have checked with some of the members of the committee and some have felt that the intent was that there should be construction funded by the department and some had felt that there weren't. Certainly, it was my intent and I guess I have worked on it so long and talked so long in the committee about problems of the mentally retarded, that I just took it for granted that everybody would know.

As of right now, there are beginnings of two group homes, one in Waterville and one in Bangor. There was a bill presented for payment on account of the Bangor facility, and that was when the problem arose and does need reclarification. I hope very much that you will not indefinitely postpone this amendment. I feel that the idea of group homes for the retarded persons, a living experience of that kind, is so much better than being in an institution and there will be services. I have had information from the department this morning that as of right now \$50,000 has been indicated that they can have in the Bangor — Waterville facilities but there will also be a \$60,000 services program. I repeat, I hope very much that you will not indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: I think my concern with this amendment is based on programs that this department has embarked upon which, in my mind, is avoiding coming before the Appropriations Committee under appropriations for capital construction. I am very much for the group home program, provided services are provided. I am very concerned when the department will take money, contract with an individual for 12 beds or 18 beds for a period of one year and then find the beds not available.

What I am saying is that the building hasn't even been built. We are financing group homes, the capital construction costs of group homes. We are paying money to an individual to build a facility from the start. Now, if we are paying for twelve beds, say, at \$10,000 a year for the services, we are talking in terms of \$120,000, which the individual can use to

build the group home. Once the group home is built, then the department will proceed to put the patient or the person in the group home and we continue paying on the monthly basis. To my knowledge, we get no credit whatsoever for the contractual costs involved prior to the building being available to patients of the State of Maine. So hopefully, I will not suggest voting for or against this amendment, I think you can use your own prerogative on this, but I am very concerned on the way the department is handling state funds.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: We are talking about Senate Amendment "O," and I wish to say that I am in favor of this particular amendment. I think you have to differentiate between certain programs and others. I think this is a program that requires a lot of compassion and a lot of understanding. This actually involves the mentally retarded, and I figure if we are to make any effort in helping people in this state, I think this is an amendment by which we can do it. There is no specific mandatory saying that we have to do such a thing, but all this does is broaden out the good program that this particular bill under the revised statute is doing.

I hope you do support this, because I feel I have supported these programs to mentally retarded ever since I have been in this House and it is all due to the fact that I think these people cannot help themselves. I think they need our help and I think this is a good amendment, and I hope you support it and vote against indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. LaPointe.

Mr. LAPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry to sound like a reactionary on this particular bill, but bear in mind that I am not. When the bill was heard before the committee in the regular session, I was under the impression that it was going to go towards the development of services. At that time, I was aware of the

fact that the revenue sharing act of 1972 was amended in such a way as to allow for services to the mentally retarded in the community to be used as a source of matching with federal funds.

I was aware that if we could appropriate, as the original bill called for, \$200,000, or \$100,000 as the case might be when this bill was passed, we might have been able to match some of this money with federal programs, with federal funds, and develop the types of services that I thought were necessary. And some of the people that I have had an opportunity to run into at these meetings, feel strongly about it.

I also feel for the state to be in the business of capitalizing these group homes is not really appropriate at this particular time. I based this consideration on the fact that the Health and Institutional Services Committee is currently engaged in a study of the residential needs of Maine's mentally retarded, and this sort of thing will get us off and we don't have an opportunity to fully make our study and draw a proper conclusion, so I hope you support the amendment, the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. LaPointe, that Senate Amendment "O" be indefinitely postponed in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. LaPointe of Portland requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question. I am having a great deal of difficulty in deciding whether or not to vote with this. I was on

the committee and I understood it was to include capital construction, but I would like to ask someone, perhaps on Appropriations, whether or not this program was continued this year? I haven't had a chance to look it up and see in the present budget, whether this program was continued in Part I budget and if this \$100,000 is going to be refunded every year?

The SPEAKER: The gentleman from South Berwick, Mr. Goodwin, poses a question through the Chair to anyone who may answer if she or he wishes.

The Chair recognizes the gentlewoman from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker, Ladies and Gentlemen of the House: In reply to the gentleman's question, the original bill called for an appropriation of \$200,000 each year of the biennium. The Appropriations Committee gave it \$100,000 each year, so there was nothing in this session.

I would like to express, while I am on my feet, that I feel this does provide a more natural, normal life for our unfortunate people and I hope you will vote as you did before.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: I am a little confused on the issue that the gentlewoman from Guilford, Mrs. White, has referred to on one piece of appropriation bill. There was another section of the Appropriation, maybe the same one, the original I believe was \$500,000 which the appropriation committee cut to \$100,000 which would be for the benefit, I believe, of the Benson School, which is presently a New Jersey group, to have the summer facility at Owl's Head here in Maine and with the money the state is allocating under the contract procedure again, this money will be used to make this facility a year-round facility.

I am somewhat bothered when we have places like the Sweetser School in the State of Maine, which has been operating in this state for years, which offers basically the same program, that we did not offer them assistance, that we have the Devereau School in Philadelphia, which has the same

program and the State of Maine has been contracting for their services. It has a summer program up in Embden, Somerset County, that we have directed possibly \$100,000 to one out-of-state group.

I am sort of opposed to brick and mortar money when, in my mind, we spent millions for brick and mortar to build a monument to failure, possibly, and yet we are going along allowing more capital construction.

I think the original intent, as the gentleman from Portland, Mr. LaPointe has pointed out, was services for the mentally retarded, the emotionally disturbed, and yet we are building new buildings. I am very concerned with the attitude of the Department. I must go back to the statement I made, when they are contracting with corporations, nonprofit groups to build these buildings, paying for beds a year in advance that don't exist to help that individual build his own building. I think we should go through the normal channels like anybody in the boarding home business and nursing home business. They have to go to the bank, they have to get mortgage money to build these facilities, and I cannot see for the life of me why we should be giving taxpayers' money to out-of-state corporations to capitalize on the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to touch briefly on what Representative Dyar has just talked about. I think he is a little bit off base. I think what basically he was talking about was one situation where the Devereau School in New Jersey wants to set up a facility out near Owl's Head in Maine, and before they commit themselves, they do want some sort of commitment from the state to make sure that there would be enough patients to fill up the home they want to build. This is also for children who have mental health problems, not a mental retardation problem, multiple mental health problems.

I do feel that this amendment, now that I have looked at it a little bit more thoroughly, perhaps will be a good thing.

One of the basic problems with the community-base mental retardation services is the cost to start up. It is that capital, that initial dollars that they need to get a facility off the ground, and I think perhaps in some situations if they could get \$50,000 from the state to start their plan, they would be able to provide tremendous services to that area.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Portland, Mr. LaPointe, that Senate Amendment "O" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, G. W., Binnette, Boudreau, Carey, Carter, Chick, Connolly, Cottrell, Curran, Dam, Donaghy, Dow, Dudley, Dyar, Genest, Hunter, Jacques, Kelleher, Keyte, Kilroy, LaPointe, Lawry, Lewis, E.; Maddox, McCormick, McNally, Merrill, Morin, L.; Mulkern, Murray, O'Brien, Rollins, Shaw, Sproul, Talbot, Tierney, Whitzell.

NAY — Albert, Ault, Baker, Berry, P. P.; Berube, Birt, Bither, Bragdon, Brawn, Brown, Bunker, Bustin, Cameron, Carrier, Chonko, Churchill, Clark, Cressey, Davis, Deshaies, Drigotas, Dunleavy, Emery, D. F.; Farley, Farnham, Farrington, Fecteau, Finemore, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Hoffses, Huber, Jackson, Jalbert, Kauffman, Kelley, Kelley, R. P.; Knight, LaCharite, LeBlanc, Lewis, J.; Lynch, MacLeod, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, Morton, Murchison, Najarian, Norris, Palmer, Parks, Peterson, Ricker, Rolde, Ross, Shute, Silverman, Simpson, L. E.; Smith, S.; Snowe, Stillings, Susi, Tanguay, Theriault, Trask, Trumbull, Twitchell, Tyndale, Walker, Webber, Wheeler, White, Willard, Wood, M. E.; The Speaker.

ABSENT — Briggs, Conley, Cooney, Cote, Crommett, Curtis, T. S., Jr.; Dunn, Evans, Faucher, Ferris, Herrick, Hobbins, Immonen, Littlefield, McTeague, Mills, Morin, V.; Perkins, Pontbriand, Pratt, Santoro, Sheltra, Smith, D. M.; Soulas, Strout.

Yes, 37; No, 88; Absent, 25.

The SPEAKER: Thirty-seven having voted in the affirmative and eighty-eight in the negative, with twenty-five being absent, the motion does not prevail.

Thereupon, Senate Amendment "O" was adopted in concurrence.

Under suspension of the rules, the Bill was read the second time.

Mr. Dunleavy of Presque Isle offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-819) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Kauffman.

Mr. KAUFFMAN: Mr. Speaker, I move this amendment be indefinitely postponed.

The SPEAKER: The gentleman from Kittery, Mr. Kauffman, moves the indefinite postponement of House Amendment "C".

The Chair recognizes the gentleman from Houlton, Mr. Bither.

Mr. BITHER: Mr. Speaker and Members of the House: I would like some information on this. I wish Mr. Dunleavy could tell me what he means or who he would include on this phrase "or any law enforcement officer in uniform," if he could tell me in a few words, without a speech, because I think we have had enough speeches today.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Dunleavy.

Mr. DUNLEAVY: Mr. Speaker and Members of the House: I will try to be brief. At the present time, only a member of the State Police, upon reasonable grounds to believe that a vehicle is unsafe or is not equipped as required by law, may direct a motorist to proceed to an inspection station for the purpose of having his vehicle inspected.

The problem arises when a local law enforcement officer or town policeman finds a vehicle that clearly does not meet the requirements of the law, and he stops the motorist and then, since he cannot order the motorist to proceed to an inspection station and have his vehicle inspected, he has to go back to his car, get on his car radio, call the State Trooper, wait around until that State Trooper arrives, and then the State

Trooper orders the motorist to proceed to an inspection station to have his vehicle inspected. Under the present situation, we are wasting the time of the town policeman, the State Trooper and the motorist himself. With this amendment, the town policeman could order the motorist to go to the inspection station and have his vehicle inspected, as he cannot do by law now.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. LaCharite.

Mr. LaCHARITE: Mr. Speaker and Members of the House: I would like to ask a question of the gentleman from Presque Isle, Mr. Dunleavy. I am wondering what the meaning of any law enforcement officer would mean. Would that mean a warden, or does it mean just a police officer? Does it mean a lady who is in uniform who helps children cross the street to schools? I think the meaning of law enforcement officer is almost anyone in uniform.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: I think this is a very dangerous amendment to allow on the errors and inconsistencies bill without a public hearing. This certainly was not an error when the original bill was enacted to exclude other than State Police Officers in enforcing the motor vehicle inspection laws. The motorists are now required to have very rigid inspections each year, and they should not be continually harassed by people who are not qualified to make a judgment as to the safety of motor vehicles.

If you look at the amendment, you will see that the law enforcement officer would be enforcing the inspection of motor vehicles. I would just like to ask the gentleman from Presque Isle what expertise he feels that a sea and shore fisheries warden, inland fish and game warden, liquor inspector or even the thousands of constables around the state have in fulfilling these duties? Personally, I would think they would have very little expertise in this field.

Ladies and gentlemen, these are just a few of the laws and regulations that are

required for the inspection of motor vehicles, a 31-page document for the inspection of motorcycles, another document with 61 pages for the inspection of motor vehicles. So if the game wardens and the liquor inspectors are going to enforce this act, I think they should make themselves familiar with these regulations. I would support the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Parks.

Mr. PARKS: Mr. Speaker, Ladies and Gentlemen of the House: You read this amendment, read it carefully, and it says, "any law enforcement officer in uniform." This would definitely include game wardens, sea and shore fishery wardens, civil defense police while they are on duty, the lady traffic police officers that are helping children cross the street at different schools.

This morning I called our judge, district court judge in Presque Isle, and asked him what he thought of an amendment like this, would it be beneficial? He said, "No, not as the amendment has been presented."

I can see possibly where in these larger communities such as Portland, Lewiston-Auburn or Bangor, or some place, where they have a regular organized police department and they have traffic officers who are trained and know what they are doing, this might be all right. But by and large, to have all of our local police in these smaller towns have the authority to harass motorists, especially some of these fellows on nights, in my opinion, we should not allow this to happen. So I am going to support the motion to indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Dunleavy.

Mr. DUNLEAVY: Mr. Speaker, Ladies and Gentlemen of the House: I was asked to introduce this amendment by a member of my local police force in Presque Isle, and he assures me that all of the members of the Presque Isle Police Department are behind this amendment.

I think the argument that this would lead to game wardens and liquor

inspectors ordering people to have their cars inspected is a bit invalid and a bit facetious. They don't do it now; I don't see any reason why they should do it if this amendment were adopted.

The problem we have is we are wasting our police officers' time. If they see a car that is inoperative or in some way poorly equipped, we are talking about the safety of the motorist, and we are also talking about the time of the officer and when you talk about officer's time, you are talking about taxpayers' money, too.

This bill would expedite the matter for private individuals. It would allow that the local police officer would not be tied up. It would allow that State Trooper would not be tied up, and the motorist could get his car inspected and be on his way.

Now, all local law enforcement officers, and I speak primarily of municipal police officers, have to attend police school since 1969, they are trained in this particular field. They understand the problems. Sometimes the motorist may have something wrong with his car and not even realize it. This bill would promote safety and save time.

When the vote is taken, I ask for the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House; I will be very brief. I think this bill has been very well covered and this amendment should be indefinitely postponed. There are many reasons, but I will not cite the whole of them. First of all, by law people are compelled to go to a filling station or an inspection station twice a year. I don't want to further harass the people. In these small towns we have a lot of eager beaver policemen or constables that only serve a short time, and I know they would just use this to harass people. There are very few of these vehicles on the road, after they passed this inspection twice a year and if there is a few the state police can easily take care of it. And when we raise the inspection fee we also put on extra police force, extra state police and this is their precise duty, to look after these cases

and all they have to be is reported and they will be taken care of. So, this is an emergency session, don't forget, we are down here on, and I don't think we should use this emergency session to come down here and further harass people. I hope that you will indefinitely postpone this quickly.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. LaCharite.

Mr. LaCHARITE: Mr. Speaker and Members of the House: I think the idea behind the amendment, my good friend from Presque Isle, Mr. Dunleavy, has introduced, is good, but I think the looseness of the term "any law enforcement officer" is not. Therefore, I would urge your vote to indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I want to give you one brief and good reason why you shouldn't vote for this amendment, because this says "any law enforcement officer in uniform." Well I want to tell you why this is the reason I feel you shouldn't vote for it. I happen to be a law enforcement officer in the City of Westbrook. I am not in uniform, but if for no other reason, if you came before me, especially the liberals, if they came before me I wouldn't send them to an official inspection station, I think you know where you would be going. I really believe you shouldn't vote for this amendment because I don't feel I am qualified and I know a lot of others who are not.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker and Members of the House: A comment has been made about harassment. I have two police officers in the City of Waterville. I am very familiar with the municipal police work, and I have two police officers out of seven that work at night that I know would use this for harassment and I support indefinite postponement.

The SPEAKER: A roll call has been requested. For the Chair to order a roll

call it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Kittery, Mr. Kauffman, that the House indefinitely postpone House Amendment "C". All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Brown, Bunker, Bustin, Cameron, Carey, Carrier, Carter, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cressey, Curran, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Donaghy, Dow, Drigotas, Dudley, Dunn, Dyar, Emery, D. F.; Farnham, Farrington, Fecteau, Ferris, Finemore, Flynn, Fraser, Garsoe, Gauthier, Genest, Good, Goodwin, K.; Greenlaw, Hamblen, Hancock, Herrick, Hobbins, Hoffses, Huber, Hunter, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McNally, Merrill, Morin, L.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Parks, Peterson, Ricker, Rolde, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Sproul, Stillings, Strout, Talbot, Tanguay, Theriault, Tierney, Trask, Twitchell, Walker, Webber, Wheeler, Willard, Wood, M. E.

NAY — Berry, P. P.; Cottrell, Dunleavy, Gahagan, Goodwin, H.; Kelley, R. P.; McTeague, Rollins, Whitzell.

ABSENT — Albert, Briggs, Cooney, Cote, Crommett, Evans, Farley, Faucher, Immonen, McCormick, Mills, Morin, V.; Perkins, Pontbriand, Pratt, Santoro, Sheltra, Soulas, Susi, Trumbull, Tyndale, White.

Yes, 118; No, 9; Absent, 23.

The SPEAKER: One hundred and

eight having voted in the affirmative and nine in the negative, with twenty-three being absent, the motion does prevail.

Mr. McMahon of Kennebunk offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-820) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: At the very outset, I want to emphasize that my amendment goes in a different direction than that of the one you just voted on. Also, this amendment came to me just last week, or I would have introduced it as a separate bill. I will read to you the letter from my Chief of Police in the town of Kennebunk, which is responsible for this amendment.

"My reason for this recommendation is as follows: As a local Police officer I also have occasion to stop motor vehicles for violation of the inspection section of Title 29," and is what what we are talking about the sticker part only. "When stopping a vehicle for such violation I would issue a summons to appear in court to answer to the charges of operating uninspected motor vehicle, but after so doing I immediately allow the same vehicle to drive away, committing the same violation. Granted, I could have the vehicle towed away, but I do not think it is fair to the public."

Now, ladies and gentlemen, realistically the police in my town have asked the State Police to furnish them with already signed permits, which is what they use. At least one of the State Police in my area has been very generous doing this. The fact is that under the present law a municipal police officer can not enforce the requirement that a vehicle go to be inspected, and that is all this amendment would do if you adopt it.

The SPEAKER: The Chair recognizes the gentleman from Standish Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of House Amendment "D".

I think that we are in a position right

now where we have got to face the realities of life and maybe of this special session a little bit. I believe the amendment that was posed by the gentleman from Kennebunk was well intended. As he said it only came to him last week, or he would have attempted to introduce it as a special bill. It is a bill of substantive change. I will admit we have had some others right in here this morning of substantive change, some of them have tried to be killed and have not.

I think we have lived with this on the books as it is now for some time. I guess another seven to nine months won't hurt another time, or at least for the short time being.

I am going to be very candid and tell you that you weathered the storm with all the Senate amendments. The normal course of procedure for the errors and inconsistencies bill is to appear before the public hearing and to attempt to have the bill amended after it comes out. If you fail to do so, I suppose you can attempt to amend it on the floor, that is the rights and your rights or our rights. However, I feel that in this particular instance some did not go and therefore now have attempted to amend it on the floor. Others went, were turned down or rejected, and now are attempting to amend on the floor.

The bill as it is before you right now is all pre-engrossed. If it stays in the condition it is in right now we can have the bill back here possibly for enactment this afternoon and we can definitely take one day right off this session. As I look at this amendment and as I look at the two following it, I don't see anything that is of dire emergency or anything that is to the point that it is truly an error and inconsistency, and I would hope that you would indefinitely postpone this particular amendment and that we can proceed and have this bill for enactment this afternoon and go out of here.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Frankly, I am not going to be terribly offended if you indefinitely postpone this amendment, especially since Mr. Simpson has indicated that to do so will

facilitate things here.

I would just call to your attention that police officers are not being hampered by the present law, and the public is being inconvenienced. That is why I felt no hesitation in attempting to amend this omnibus bill, because I think this amendment seeks to correct an inconsistency in the present law.

Mr. Speaker, I would ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker and Members of the House: If I remember right, last year I was going to have my motorcycle inspected. I went down to the police station to get a permit, and I don't know whether my police department is not supposed to be doing that but I suspect that not only is my police department already issuing these permits and you drive down and pick it up, but some are completely unaware that there is a law against it, so I would ask that we support it and make them legal too.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I rather favor this amendment. I fully realize that big bill has been pre-engrossed. I went to the Engrossing Department this morning at eight o'clock to find out the status. If we attach one or two amendments it doesn't mean this bill has to be completely pre-engrossed all over again. The only thing that I wonder is the fairness of the situation.

Now, I am not pleading for anything myself, we have let the Senate, the other body, attach 13 amendments. If we prohibit this House from attaching any, it just doesn't seem fair to me. I don't believe in the final analysis it would hold us up any. It would hold this one bill up several hours, but really that is the only thing that concerns me. Take them on their merit and if they can wait, let them wait and let the bill go through, but if it is something that really can't, I think we should have as much opportunity as the other body did.

The SPEAKER: The Chair recognizes

the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: In terms of time, I do think it is important we keep time in mind, but I do have to disagree with the majority floor leader. If we were to add one short amendment or two, it would mean in effect the difference of approximately one hour. That particular hour, of course, is once it has gone to the other body and they have receded and concurred with our action assuming that they were to do that. The only thing that would have to transpire would be the additional section inserted on a page and that particular page inserted in the proper section within the omnibus bill, and the rest of it is all printed already. It is preprinted at the K.J., and then all they have to do is run, run the final engrossed copy. So if we add on a couple of amendments, I don't think we ought to be concerned about the time. I think it will probably make the difference of one hour to two hours, but not one day certainly in the length of the session the way that it is done.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: This certainly will be a convenience to your constituents, because now quite often they have to chase around and find the State Police in order to go to the inspection station. This would be of some help and it also doesn't say they must do it, they may do it. In the city places it would be very convenient, and I think I would be willing to stay another hour or so to see this convenience done for the people, because we have done so many many things to inconvenience them while I am here, I would like to see us do one thing to convenience them.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker and Members of the House: Mr. Dudley kind of took the wind out of my sails because that is practically what I was going to say. The idea of this amendment as far as I am concerned, is a service to the people. I am disturbed with the fact that in the previous amendment, being said it

was harassment by the police officers. Actually, these are permits that are being signed by the police officer or, if the state police gives it out, as it is at this time, he has to leave a bunch of them at the desk at all police stations with his signature, which is not legal really. Everybody is sticking their neck out to make things convenient for the ordinary citizen, the driver who wants to get his inspection sticker. I favor this amendment and I hope you go along and pass it.

The SPEAKER: The Chair recognizes the Gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I feel that this amendment is as much of an emergency and important, more important, in fact, than the one we passed this morning on breeding of horses.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that House Amendment "D" be indefinitely postponed. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

17 having voted in the affirmative and 103 having voted in the negative, the motion did not prevail.

Thereupon, House Amendment "D" was adopted.

Mr. Huber of Falmouth offered House Amendment "B" and moved for its adoption.

House Amendment "B" (H-811) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Huber.

Mr. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: Most briefly, stated in the statement of facts, this amendment clarifies the definition of island in the Coastal Island Registry Act and facilitates its administration and corrects its inconsistencies in Section 1210 of this act.

This amendment has been approved as being the intent of the law by the sponsor, by Mr. Pottress, and Miss Stinch of the State Planning Office and by the Administrator of this act, Mr. Umberger in the Forestry Department.

At this point, I would like to stop, but in light of the gentleman from Standish, Mr. Simpson's comments, perhaps I had better continue. In correcting the definition as written in the law, the definition currently hinges on the word protrudence, which isn't found in the largest dictionary I could find in the Law Library and really doesn't define "island". This has been interpreted by the Forestry Department and they view this as any land that protrudes above normal high water. Normal high water, itself, is undefined in the law, so there is a problem there, there is no reference point in the definition of "Island."

This could lead to multiple registration fees paid for what is deeded as and considered as one single island. The proposed definition clarifies this vagueness and further pins down the definition of island to the Coastal Island Registry itself which, for any of you who are unfamiliar with it, is actually an atlas of the coast of Maine with each marked island numbered in it. This has been prepared by the State Planning Office and goes into considerable detail.

The second section of the Amendment clears up what is certainly an inconsistency in Section 1210, which reads in the first sentence, "any person who owns title to an island or part of an island in Maine coastal waters that has three or more residential structures thereon is exempted from this chapter." Two sentences later it says, "any person that has title of record to an island on which there is less than four residential structures must register." This leaves an island with three structures in limbo really. What one section says that this has to register, this is an island with three structures, two sentences following says it doesn't have to register.

This doesn't deal with the filing figure, and I would feel that this would be a substantial change to the act. It isn't a substantive change, it is simply clarification and the clearing up of an inconsistency.

I think this should pass now, as registration has to be accomplished before December 31, 1974 and the problems will occur during this registration period, which is before the commencement of the next legislature. I hope you will adopt this amendment.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: I hope this is indefinitely postponed. In the lakes where I am, we have an island there known as Briggs Island, which has only one cottage on it. It has been owned for years by a family. Under this law, if it is passed, and there is only one cottage upon this island, they will have to register it.

Over in Great Pond, another one which is also in my district, there is a piece of land there that they are now fighting over, who owns this island. If we are to pass this, we are going to say definitely that these people that have a warranty deed to this property do not own this property, that the state will own this property, and I hope this is indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman from Oakland, by going back to the original law, would note that this does not apply to him, and the only way that it could apply to Oakland would be if Oakland would suddenly find itself located on the coast of Maine some morning. Because the way that the bill is written, it specifically says, in the original bill that we are now amending, it deals with coastal islands and does not deal with inland waters at all.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: Let's refer then to Mark Island, which sets off from Little Christmas Cove, West Southport, which this gentleman over here is very much familiar. There is only one cottage on this island. It has been there for years; this is the same friend. I use this as an example because this, if it happens there, it could creep in the inland as well as coastal, if we get by with it.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Kelley.

Mr. KELLEY: Mr. Speaker, Ladies

and Gentlemen of the House: I am strongly in favor of the motion to indefinitely postpone this. Let's go back into history a little bit of the State of Maine. King's Grants, which covered the whole State, since then this property has been divided and sub-divided and one thing and another. Back to your colonial ordinances, tidewater ownership went to low, low water mark, which is the furthest point out that the tide goes by normal, natural circumstances. In other words, a full moon run out with an offshore wind, or your riparian rights go out for 100 rods, whichever is the furthest.

I have owned islands, for some reason or other, most of my life, and I find them expensive to buy and very difficult to sell, but most of these islands have had connected to them what is known as Bard Islands. There has been one warranty deed title that has included these bard islands. A bard island is an island that you can walk to at low water, but at high water there would be water between the little bard island or the little island that is part of the main island and the big island. These bard islands have not been subdivided in the titles. Right at the moment I have a problem where an island that I have checked the title back way before the turn of the century, and the state has decided that a couple of little protrudances along side the top of the tide there is water, that these islands apparently no longer belong to me, they would belong to the state, and yet it is completely contrary to the law of the land. I hope that we do not change the law of the land and deprive people of their property without any recompense. Please vote for indefinite postponement of this amendment.

The SPEAKER: The gentleman from Southport, Mr. Kelley so moves for indefinite postponement of this amendment.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I think this is a bad amendment. I think the gentleman from Bristol, Mr. Lewis, would agree with me. This would affect an island that has become famous,

John's Island, which has been leased by the town of Bristol, to the Louder or Tunney Estate, I don't know which and I think the gentleman from Bristol, Mr. Lewis, might agree with me that when the Tunneys are there, the Louders aren't there and when the Louders are there, the Tunneys aren't there. But, anyway, it affects them. It has become a very famous island. I think this is a bad order; I think it would create chaos everywhere, all over the state and all over the coast. I don't want the people that are identified with these islands to lose their identity and I don't know what the motivation behind this amendment is, but I think it is bad and I think it ought to be postponed. Has it been moved to indefinitely postpone?

The SPEAKER: Yes, the gentleman from Southport, Mr. Kelley, has so moved.

The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I am no lawyer, but I interpret this entirely opposite from what Representative Kelley has told you from Southport. I thought Mr. Huber had done quite a good job of explaining this. On what Mr. Kelley claims are Bard Islands, under the present bill, the Coastal Island Register, you have an island that is one main island. It may not be more than 100 feet square. At low tide you might have several rocks protruding at low tide and you can walk out and go duck hunting from them or anything you want to, but at half tide or high tide, you can't get to these but there is still a rock protruding. And under this Coastal Island Register, as I interpret it, you have to have a number assigned to it. So if you have four of these protruding out, instead of recording say just number 33 and pay them one \$10 fee, you are going to pay \$50. You are going to pay \$10 for each one of these rocks protruding out at high tide.

I would like to ask Mr. Huber if this isn't his intention, to clarify this so you only have one number assigned to this so-called island that is recorded in a deed somewhere, in whichever county it might be? Under this bill, if you indefinitely postpone this, I interpret it

that you are going to pay \$10.00 for each rock protruding out to have a number assigned to it.

The SPEAKER: Mr. Churchill of Orland poses a question through the Chair to the gentleman from Cumberland, Mr. Huber, who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Orland, Mr. Churchill, has stated my intent exactly. This is the way the act is being administered. If the amendment is not adopted, we could get into multiple registration situation. Also, people could register what they feel is their island and later the state could have recourse and come and pick off the offline rocks of these islands.

Indefinite postponement of this amendment or proposed amendment will certainly not repeal the act as passed in the regular session. I objected at the time of passage of this act of requiring an island owner to accomplish a considerable amount of work in registration in the Island Registration in addition to the normal registration in the registry of deeds and then paying \$10 for the privilege. The act passed, nevertheless, in regular session. All I am trying to do now is to clarify and simplify the administration of this act, and again I repeat, indefinite postponement of this amendment in no way can indefinitely postpone the act that is already passed.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope that you will not indefinitely postpone this amendment. If you want to do anything for the coastal people, please do not indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Kelley.

Mr. KELLEY: Mr. Speaker and Members of the House: Could this be postponed until later in today's session, until I have a chance to talk with Mr. Huber. Apparently we want the same thing, but the way I understand it it is accomplishing the opposite.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Members of the House: I would like to give you a few reasons or comments of why the forceful Judiciary Committee did not let this amendment in. In the first place we found that the definition of island, as it is now in the law, is much more acceptable and much narrower than this broad interpretation here or definition.

In the second place, one of the main changes in the Judiciary we have run into in the last two years here is these bills which come to us with the definition of mean high tide, such as this bill here has in the fourth line of Section 3. Mean high tide, we haven't found anybody yet that can actually describe where mean high tide is. It is all a matter of interpretation and nothing has ever been definite about it.

Then this does apply to coastal waters. I think that some of us were a little upset, not upset, but just concerned about wherever you have a group of islands that is given a number, that that island shall be considered as one island. Well, I don't think that this should be. So, either you have an island or you have a group of islands and I think it should be individual.

The thing is in the second section of the bill, actually it broadens out from three to four residential structures, which just makes it that much harder in order for them to be an individual island. I think that this last section is not in the interest of the people of this state, and these are some of the reasons why we didn't let the amendment in and why I support indefinite postponement.

Mr. Churchill of Orland was granted permission to speak a third time.

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I had a letter recently from one of my constituents. There are seven islands in the little town of Penobscot and they are really hot under the collar that they have to pay a \$10 fee to even register these. They are already recorded in the Hancock County Registry of Deeds, and they are mad enough now that they have to record one number. I went over and

talked to the gentleman in charge of this and he showed me a hundred letters that he had complaining on just this one situation that we are trying to explain. They are sore because they have to pay one fee.

Now, one man had 15 of these pieces all recorded in the Registry of Deeds and he had 14 more that he couldn't prove title to at high tide the way the deed was written, because sometimes they were recorded at high tide and some at low tide. In order for him to prove ownership of these it would cost him more money than they were worth. So he gave a quit claim deed and turned them over to the state because they weren't worth it. I am asking you that this is the amendment they need to clarify some of this and save our coastal people a little money. It is bad enough to have to pay one fee.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Kelley.

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: I find that the islands that are already numbered, and the Bard Islands we are stuck with, but there are additional ones and I would like to withdraw my motion for indefinite postponement.

The SPEAKER: The gentleman from Southport, Mr. Kelley, withdraws his motion for indefinite postponement.

Thereupon, House Amendment "B" was adopted.

Mr. Berry of Buxton offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-810) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Buxton, Mr. Berry.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman from Standish, Mr. Simpson, has already told us what might happen to these amendments. One of them, I guess, slipped by him. I am kind of hoping that this one will, or at least you will ignore the plea that he made to indefinitely postpone these.

This amendment is an amendment that I tried to attach to any bill that had Title 30 on the top of it, and none of these came along. I and some members of the Election Laws Committee kept a diligent

watch for Title 30 and it just didn't get here. I didn't want to have to put this amendment in on the errors and inconsistencies, but there was no other vehicle left.

The reason that the amendment is here is because that in the Town of Buxton we have had a couple of problems, and a couple of the other towns that I represent, they have had problems. There are certain people who go to the town clerk, they ask for nomination papers, they ask that these papers be given to them blank. These papers are circulated blank. After the names have been acquired, these people will come back to the town clerk and inquire as to who is running for what, this is municipal all the way—I hope you realize that. They come back to the town clerk, inquire as to who is running for what, decide whether or not they want to run against this person or that person or pick out the easiest person on the ballot, take the papers back home, fill their name in or give them to somebody else and have somebody else's name filled in, and lo and behold, you have got somebody on the ballot that you might not want on the ballot.

The other reason we recently changed from an appointive planning board to an elective planning board. This meant that in March we had seven people up for election for the local planning board. We had a request from one of the citizens in town that he be given 15 sets of blank nomination papers. When the town clerk inquired as to what position he wanted to seek, he told her that it was none of her business, to give him the papers and he would circulate them, get the petitions. He might want to run for the five-year term or the four-year or the three-year term and so on. The end result of this was, the town clerk didn't give him the blank nomination papers. He went to a lawyer and we are now faced with a possible law suit over whether or not she should have given him the papers.

Now, there is nothing in the law now that says she shall or she shall not. You will notice that this amendment says she may. I have put "may" in here, because I have taken into consideration the complications that might arise in cities such as Portland and Bangor where if it

were mandatory the town clerk or municipal clerk would have to fill out possibly hundreds of nomination papers.

Any town clerk that doesn't wish to do this under this amendment would not have to do it. It is only those who do want to do it. I can assure you there are several town clerks in southern Maine who do want those papers filled out as to who is running for what.

Now, the town clerks in southern Maine have recently been attending some sort of a conference. I don't know just exactly what the title of that conference is; it is a workshop of some type. This problem has been brought to them and not one has objected to this amendment. In fact, most of them favor it. I would ask that you please go along and adopt this amendment.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Since I am the House Chairman of the Election Laws Committee, the gentleman from Buxton, Mr. Berry, came to me first about this problem. Without going into the merits of it, I discussed exactly what it was and found out that it went in Title 30 and not Title 21, which are the state election laws, so we couldn't put it in our omnibus bill, but I would have been willing to. So he wanted me to tell him where it could go and I said if we had a bill with Title 30 we will try to put it on that bill, and we didn't have one. That is why he has it this afternoon on this errors and inconsistencies bill.

I want you to certainly discuss it on its merit. Most of you come from smaller towns and you know yourself how your town and your clerks feel about this. I once again will say that I don't believe this will hold us up very long. We have adopted one amendment. I have been down and seen the clerk in charge of the Engrossing Department, and I have seen the pre-engrossed bill. The first amendment that we did adopt will come near top of page 29 and probably can be fitted right in there, and this would fit in the very next page near the top. If changes have to be made, it probably would only be a few changes. So as far as I can tell you, this also would not slow us up very much, and I think that perhaps the other body would go along with this.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I would go along with this a hundred percent, because I see these things happen. As we are new in our town going under this Title 30, going under this program, I think it is the best thing in the world to do, because people can very easily do just what Mr. Berry has said. I hope you will support it.

Thereupon House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

Emergency Measure Later Today Assigned

An Act Providing Funds for Maine Vacation Travel Services (S. P. 952) (L. D. 2604)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

(On motion of Mr. Martin of Eagle Lake, tabled pending passage to be enacted and later today assigned.)

Passed to Be Enacted

An Act Relating to Dams and Reservoirs (S. P. 916) (L. D. 2527) (H. "A" H-721) (H. "B" H-725) (S. "A" S-387)

An Act Relating to Review, Reports and Proposed Amendments of the Maine State Retirement System (S. P. 944) (L. D. 2590) (H. "A" H-794)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor Reconsidered

An Act Making Supplemental Appropriations from the General Fund for the Fiscal Year Ending June 30, 1975 and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government. (S. P. 951) (L. D. 2602) (H. "F" H-806)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes

the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, I move the rules be suspended for the purpose of reconsideration.

(Cries of No)

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that the rules be suspended for the purpose of reconsideration. This requires a two-thirds vote. All in favor of the rules being suspended will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Connolly of Portland requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, I would like to have this item tabled until later today.

Thereupon, Mr. Birt of East Millinocket requested a vote.

The SPEAKER: The gentleman from Portland, Mr. Connolly, moves this matter be tabled until later in today's session. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

45 having voted in the affirmative and 59 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that the rules be suspended for the purpose of reconsideration. A roll call has been ordered. All in favor of the rules being suspended will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G.W.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Brown, Bunker, Bustin, Cameron, Carrier, Carter, Chick, Chonko, Churchill, Clark,

Cottrell, Cressey, Curran, Curtis, T.S., Jr.; Davis, Dow, Drigotas, Dudley, Dunleavy, Dyar, Emery, D.F.; Evans, Farnham, Farrington, Faucher, Ferris, Finemore, Flynn, Fraser, Gahagan, Good, Greenlaw, Hamblen, Hancock, Hoffses, Huber, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R.P.; Keyte, Knight, LaCharite, LaPointe, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McNally, Merrill, Morin, L.; Morton, Murchison, Murray, Najarian, Norris, Palmer, Parks, Rolde, Rollins, Shaw, Shute, Silverman, Simpson, L.E.; Smith, D.M.; Snowe, Sproul, Stillings, Strout, Susi, Tanguay, Theriault, Trask, Twitchell, Walker, Webber, White, The Speaker.

NAY — Berry, P.P.; Carey, Conley, Connolly, Fecteau, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Kilroy, Mulkern, O'Brien, Peterson, Smith, S.; Talbot, Tierney, Wheeler, Whitzell.

ABSENT — Briggs, Cooney, Cote, Crommett, Dam, Deshaies, Donaghy, Dunn, Farley, Garsoe, Herrick, Hobbins, Hunter, Immonen, Lawry, McCormick, McTeague, Morin, V.; Perkins, Pontbriand, Pratt, Ricker, Ross, Santoro, Sheltra, Soulas, Trumbull, Tyndale, Willard, Wood, M.E. Yes, 101; No, 18; Absent, 31.

The SPEAKER: One hundred one having voted in the affirmative and eighteen in the negative, with thirty-one being absent, the rules are suspended.

Thereupon, on motion of Mr. Simpson of Standish, the House reconsidered its action whereby the Bill was passed to be engrossed.

Mr. Norris of Brewer offered House Amendment "K" and moved its adoption.

House Amendment "K" (H-822) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of this amendment is to make the effective date of the AFDC payments September 1 rather than July 1. That is a difference of two months, and that is what was worked out with the leadership of the Appropriations Committee this

morning. There is no cut in the amount of money that the AFDC recipients are going to receive. This simply delays it for two months. The increase will be the same, but it does delay the increase for two months. That is exactly what the amendment does.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I really hoped we would be able to delay the vote on this particular amendment until later this afternoon. I know that I don't have the votes to win on this. I would personally like to see this amendment defeated and the amount of money and the effective date kept as they were in the original bill, the original draft of this bill.

I am not really sure what to say to you. I know that the feeling this amendment hasn't been presented is there are people who are opposed to the AFDC program. I think since the time of the public hearing on this bill, AFDC recipients and their supporters have made a very favorable impression upon the members of this legislature, particularly the members of the Appropriations Committee, to the point where they have begun to understand the seriousness of the problems that face low income people receiving state assistance.

I would just like to explain a little bit about what this issue is all about. The last time there was an increase in the ADC budget in this state was 1969. There hasn't been any increase in the ADC program since that time. There is a very complicated formula that the state follows, and to explain it to you simply, I would just like to point out that the state says, for example, that a mother and one child, a family of two people needs, based on 1969 figures, a minimum amount of money, \$205 per month to maintain a subsistence level of existence. Because of the amount of appropriations that have come from the legislature, the state can only pay the family \$98 a month, or 47½ percent of what the state says that family needs to maintain a minimum level of existence.

A welfare rights organization, a group in Portland called We Who Care and a

state-wide low income group called United Low Income (ULI) have begun to organize around this issue and the lack of sufficient monies since early last year. They came to the legislature at the time the appropriations bill had its hearing and asked the Appropriations Committee and the Legislature to approve an increase up to \$5.1 million to meet the cost of what is called full need. That would mean that if that kind of appropriations bill had passed, the family that is entitled to \$205 a month but is only getting \$98 a month now would be able to get that \$205. And most of the arguments that were presented against the \$5.1 million centered around the fact that the state doesn't have enough money or felt the state didn't have enough money to meet that kind of an appropriation. Those groups and myself and other people have worked with the Appropriations Committee very closely since that time, and we eventually reached an agreement that was acceptable to us and acceptable to the members of the Appropriations Committee, that said \$3.6 million would be appropriated for an increase in the ADC program.

The situation that has arisen now is that after we have reached the agreement for the \$3.6 million, there has arisen a problem with the money that has been appropriated for the SSI program, and that another \$650,000 or so is needed to meet expenditures for that program and the money has to be gotten from some other source. So the place that leadership and the Appropriations Committee has decided to go after is the ADC program. I guess the point that I want to make is that I really object to that, take the money away from ADC families and away from low income people when we are not even meeting the expenses that the state says they need to maintain a minimum level of existence.

I don't have the power and I don't have the influence to get a vote here to defeat this amendment, and I am not going to try to do that. I have contacted the ADC families who have been most closely involved in this, and they said this morning they are disappointed, but they realize it is all they can get, and they would rather have the money figure stay

at a 30 percent increase and make it effective in September, because they figure they can find a way to make it through the summer, but they would like to have the increase at least during the winter months.

I intend to vote no on this amendment. I leave it up to the rest of you to vote your conscience, but I just think it is a shame that we try to put more money into one program to benefit low income people by taking it out of another program.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker and Members of the House: We are in a serious situation. Just as soon as we recess here, the Appropriations Committee has got to go upstairs, because we are some \$300,000 short still. We ran into this thing, as you know, with the SSL, as has just been explained to you, and we are going upstairs and we are going to have to talk either something in the line of a tax increase or cutting some more in this program or in some other program, so I would hope somebody would table this until we can hold our meeting and get back down here.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, I move we stand in recess until three o'clock.

Thereupon, Mr. Jalbert of Lewiston requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that the House stand in recess until three o'clock this afternoon. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Jalbert of Lewiston requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question

is on the motion of the gentleman from Standish, Mr. Simpson, that the House stand in recess until three o'clock this afternoon. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G.W.; Berry, P.P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Brown, Bunker, Cameron, Carey, Carrier, Carter, Chick, Chonko, Conley, Cottrell, Cressey, Curtis, T.S., Jr.; Davis, Dow, Drigotas, Dudley, Dunleavy, Dyar, Emery, D.F.; Evans, Farnham, Farrington, Ferris, Finemore, Flynn, Gahagan, Gauthier, Good, Goodwin, K.; Greenlaw, Hamblen, Hancock, Hoffses, Huber, Jackson, Jacques, Kauffman, Kelleher, Kelley, Kelley, R.P.; Kilroy, Knight, LaCharite, LeBlanc, Lewis, J.; Littlefield, MacLeod, Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McNally, Merrill, Morin, L.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, Palmer, Parks, Rolde, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L.E.; Smith, D.M.; Snowe, Sproul, Stillings, Strout, Susi, Theriault, Trask, Twitchell, Walker, Webber, Wheeler, White, The Speaker.

NAY — Bustin, Clark, Connolly, Curran, Faucher, Fecteau, Fraser, Garsoe, Genest, Goodwin, H.; Hobbins, Jalbert, LaPointe, O'Brien, Peterson, Ricker, Talbot, Tanguay, Tierney, Whitzell.

ABSENT — Briggs, Churchill, Cooney, Cote, Crommett, Dam, Deshaies, Donaghy, Dunn, Farley, Herrick, Hunter, Immonen, Keyte, Lawry, Lynch, McCormick, McTeague, Mills, Morin, V.; Perkins, Pontbriand, Pratt, Santoro, Sheltra, Smith, S.; Soulas, Trumbull, Tyndale, Willard, Wood, M.E.

Yes, 99; No, 20; Absent, 31.

The SPEAKER: Ninety-nine having voted in the affirmative and twenty in the negative, with thirty-one being absent, the motion does prevail.

Under suspension of the rules, all matters acted upon in concurrence and all matters requiring Senate concurrence were ordered sent forthwith to the Senate.

**After Recess
3:00 P.M.**

The House was called to order by the Speaker.

The Chair laid before the House the following matter which was under consideration at the time of recess this morning:

An Act Making Supplemental Appropriations from the General Fund for the Fiscal Year Ending June 30, 1975 and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government (S.P. 951) (L. D. 2602) (H. "F" H-806)

The SPEAKER: The pending question is on the motion of the gentleman from Brewer, Mr. Norris, that House Amendment "K" (H-822) be adopted.

The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker and Members of the House: I don't want to prolong the debate on this particular amendment any further. I would just like to say that I respect the help that we have received from several members of the legislature, members of the Appropriations Committee, and in particular, the gentleman from Brewer, Mr. Norris, and the gentleman from Lewiston, Mr. Jalbert. I just feel in my own conscience that I have an obligation to ask for the indefinite postponement of this particular amendment, and then whatever happens, happens, and let it go at that.

The SPEAKER: The gentleman from Portland, Mr. Connolly, moves the indefinite postponement of House Amendment "K". The Chair will order a vote. All in favor of the indefinite postponement of House Amendment "K" will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Connolly of Portland requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members

present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: As you indicated, and I am sure that you will vote against the indefinite postponement of this amendment, because even with the amendment, we are providing over \$3 million increase — a \$3 million increase in AFDC, and I certainly think with money as tight as it is, that certainly is a substantial amount of money for these folks. So I do hope that you would vote against the indefinite postponement.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Connolly, that House Amendment "K" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bustin, Conley, Connolly, Cottrell, Dow, Genest, Goodwin, K.; Jacques, LaPointe, Lewis, E.; Peterson, Ricker, Sproul, Tanguay, Whitzell, Wood, M. E.

NAY — Albert, Ault, Baker, Berry, G. W.; Berube, Binnette, Bither, Boudreau, Bragdon, Brawn, Cameron, Carrier, Carter, Chick, Chonko, Clark, Crommett, Curran, Curtis, T. S., Jr.; Davis, Deshaies, Donaghy, Drigotas, Dudley, Emery, D. F.; Farley, Farnham, Farrington, Faucher, Fecteau, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Good, Greenlaw, Hamblen, Herrick, Hoffses, Huber, Hunter, Jackson, Kauffman, Kelley, Keyte, Kilroy, Knight, LeBlanc, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McMahon, Merrill, Mills, Morin, L.; Morin, V.; Morton, Murchison, Murray, Norris, Parks, Pontbriand, Rolde, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Snowe, Stillings, Susi, Theriault, Trask, Trumbull, Twitchell, Webber, Wheeler, Willard, The Speaker,

ABSENT — Berry, P. P., Birt, Briggs, Brown, Bunker, Carey, Churchill,

Cooney, Cote, Cressey, Dam, Dunleavy, Dunn, Dyar, Evans, Goodwin, H.; Hancock, Hobbins, Immonen, Jalbert, Kelleher, Kelley, R. P.; LaCharite, Lawry, Lewis, J., Littlefield, McKernan, McNally, McTeague, Mulkern, Najarian, O'Brien, Palmer, Perkins, Pratt, Rollins, Ross, Santoro, Sheltra, Smith, S.; Soulas, Strout, Talbot, Tierney, Tyndale, Walker, White.

Yes, 16; No, 87; Absent, 47.

The SPEAKER: Sixteen having voted in the affirmative and eighty-seven in the negative, with forty-seven being absent, the motion does not prevail.

Thereupon, House Amendment "K" was adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

An Act Creating the Post-secondary Education Commission of Maine (H. P. 2075) (L. D. 2601)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Non-Concurrent Matter

Joint Order: (H. P. 2078) Relative to Amendment of Joint Rule 17-A which was read and passed in the House on March 22.

Came from the Senate with the Joint Order indefinitely postponed in non-concurrence.

On motion of Mr. Simpson of Standish, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Relating to the Dredging, Filling or Otherwise Altering of Rivers, Streams and Brooks" (H. P. 2053) (L. D. 2588) which was passed to be engrossed in the House as amended by House Amendment "A" (H-773) and House Amendment "B" (H-775) on March 20.

Came from the Senate with the Bill passed to be engrossed as amended by House Amendment "A" (H-773), House Amendment "B" (H-755), Senate Amendment "A" (S-430), Senate Amendment "B" (S-444) in non-concurrence

In the House: The House voted to recede and concur.

Messages and Documents

State of Maine
One Hundred and Sixth Legislature
Committee on Judiciary

March 25, 1974

Hon. Richard D. Hewes
Speaker of the House
of Representatives
106th Legislature

State House

Augusta, Maine 04330

Dear Speaker Hewes:

I am pleased to report that the Joint Standing Committee on Judiciary of the 106th Legislature, Special Session, has completed its assigned duties, and the following is a resume of the work placed before it, indicating the action taken on these matters.

Total bills received	39
Referred from Committees	0
Recommended	3
Unanimous reports	26
Divided reports	16

Unanimous Divided

Leave to withdraw	4	
Ought to Pass	6	6
Ought to Pass, amended	3	8
Ought to Pass, new drafts	9	6
Ought Not to Pass	3	14
Refer to other Committees	1	
Number of amendments prepared		11
Number of new drafts prepared		15
Public hearings were held on	11	
Legislative days, and Executive sessions, 19.		

Sincerely,

(Signed)

ETHEL B. BAKER

House Chairman

Committee on Judiciary

The Communication was read and ordered placed on file.

Orders

Mr. Rolde of York presented the following Joint Order and moved its passage:

WHEREAS, the requirements of the Federal Water Pollution Control Program were changed by the

amendments of 1972 requiring the states to conduct a comprehensive water quality abatement needs survey; and

WHEREAS, the needs survey includes financial data relating to secondary treatment, treatment more stringent than secondary treatment, correction of infiltration inflow, major sewer system rehabilitation, collector sewers and appurtenances, interceptor sewers and appurtenances, correction of combined sewer overflows and treatment and control of stormwaters; and

WHEREAS, the requirements for correction of infiltration inflow, major sewer system rehabilitation, correction of combined sewer overflows and treatment and control of stormwaters are major new requirements of the water pollution abatement program; and

WHEREAS, it is not known what the total cost of the new requirements are; and

WHEREAS, the Federal Water Pollution Control Act Amendments of 1972 expand the eligibility criteria for federal grants; and

WHEREAS, it is not known what the cost of the new requirements will be to the State if the eligibility criteria are expanded beyond interceptors, treatments and outfalls; and

WHEREAS, it is necessary for the State of Maine to know how much its share of the total pollution abatement cost may be; now, therefore, be it

ORDERED, the Senate concurring, that the Maine Department of Environmental Protection, in cooperation with the Maine Municipal Association, is authorized and directed to study and evaluate such aspects of the State of Maine's water pollution construction grant program, including, but not limited to, the following:

1. Minimum state participation in the construction grant program.

2. The costs of existing eligible work — interceptors, treatment plants and outfalls — under the state program.

3. The costs of expanding the eligibility criteria to include collection systems, correction of combined systems and treatment and control of stormwater.

4. The status of existing and source of additional state funds for items 3 and 4 above.

5. The status of existing and source of additional federal funds for items 3 and 4 above; and be it further

ORDERED, that said department and association prepare a report for presentation to the 107th Legislature not later than January 31, 1975 and also provide sufficient number of copies of such study to the Joint Standing Committee on Natural Resources and the Maine Municipal Association. (H. P. 2087)

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Briefly, to explain this order, earlier this session we passed a bill which changed some of the requirements of our water pollution control program here in the state because of changes that were made in the federal government program. In the course of doing this, it appeared that there was somewhat of a disagreement between the Department of Environmental Protection and the Maine Municipal Association in just exactly how this program should be structured. We settled some of these questions in the legislation that we passed, but both parties felt that they would like to have an opportunity to fully study our construction grant program and come up with some recommendations after this study to the 107th Legislature. That is all this order does, it orders the Department of Environmental Protection and the Maine Municipal Association to go over our construction grant program and to deal with certain questions, the most important of which is the cost of expanding some of the criteria that are used now for deciding what will be funded and what won't be funded. Then they would report this back to the 107th for further legislative action. So I hope you will pass this order.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, I would pose a question to anybody who cares to answer. Wouldn't this solve the mixup there has been in this program all the way through if this order is passed?

The SPEAKER: The gentleman from

Eastport, Mr. Mills, poses a question through the Chair to anybody who may care to answer.

The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker and Members of the House: I think basically it would. It would give them an opportunity to fashion a program and possibly to expand the program. Right now we only fund certain aspects such as treatment plants, and there are other things that we don't fund, such as interceptors and certain kinds of sewers, and they would decide whether they wanted to expand their program and just how much this would cost the state. So I think it would be very helpful in that regard.

Thereupon, the Joint Order received passage and was sent up for concurrence.

Mr. Farrington of China presented the following Joint Order and moved its passage:

WHEREAS, the year 1974 marks the 200th birthday of the Town of China; and

WHEREAS, contributions by its inhabitants over these 200 years have contributed greatly to the historical greatness of the State of Maine; and

WHEREAS, the residents of China have planned a gala occasion to celebrate its 200th birthday; and

WHEREAS, a committee has been appointed by the town to promote such a celebrated occasion and bicentennial silver medals have been produced; and

WHEREAS, the history of the town is being written, special events planned starting July 1, which are but a few of the highlights of this celebration; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the 106th Legislature recognize and congratulate the inhabitants of China for the prominent place they occupy in history of this great State and wish them well on the celebration of their 200th anniversary of their birthday; be it further

ORDERED, that a copy of this resolution be forwarded to the office of the selectmen of China. (H. P. 2089).

The Order was read and passed and sent up for concurrence.

House Report of Committee Ought to Pass in New Draft New Draft Printed

Mr. Dyar from Committee on Health and Institutional Services on Bill "An Act to Integrate the Maine Statutes with the Federal Supplemental Security Income Program" (H. P. 1782) (L. D. 2254) Emergency, reporting "Ought to pass" in New Draft (H. P. 2084) (L. D. 2608) Emergency, under new title "An Act Relating to Supplemental Security Income"

Report was read and accepted, the New Draft read once and assigned for second reading later in today's session.

Orders of the Day

The Chair laid before the House the following tabled and later today assigned matter:

An Act Providing Funds for Maine Vacation Travel Services (S. P. 952) (L. D. 2604) Emergency.

Tabled—by Mr. Martin of Eagle Lake.

Pending—Passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: This particular appropriation should have been in the supplementary budget but didn't seem to make it in there. It calls for \$150,000, the money to be spent for promotion of the hotel industry, basically. My personal feeling is I believe it is an emergency enactor. I will not ask for indefinite postponement, but I hope very much that it doesn't receive passage.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clarify the comments made by the gentleman from Yarmouth, Mr. Jackson.

This bill is the result of a direct study that was given to the Appropriations Committee by the regular session to study this very subject matter, and this

bill is reported out according to those terms.

I would like to advise this body that over the course of the years we have consistently refused to fund any type of a promotional aspect to any degree for the State of Maine to the point that we have come down considerably. We were number one in the country. We have dropped about 48th or 49th. The dollar return for the same amount has also done the same thing.

We are facing a tremendous campaign right at the present time by Canada, especially in the Maritime Provinces in which they are using pretty much American dollars to lure people into the Maritime Provinces. They are spending somewhat in the neighborhood of \$5 million to do so. We are asking for \$150,000 through this particular piece of legislation to help us promote a circulation of traffic throughout the State of Maine to the point that we can get Maine people to visit the state and also to put a heavy emphasis on those people who are within one tankful of gas to come into the state.

There is a study that also was approved by the 105th Legislature which had a \$65,000 price tag on it of which the preliminary reports are in the hands of the committee and it will be entirely within your hands, I would say, within the month.

I would like to point out that this morning, in the errors and inconsistencies bill you voted to allow the class A restaurants in the state to drop the percent of business that they had to do because of the energy crisis, namely in the ski areas. The ski areas this winter not only had a lack of snow, but they had a lack of people because of gasoline and travel. At one time, I knew that Sugarloaf was somewhere between three hundred thousand and four hundred thousand dollars in the red. That is a state guaranteed loan, along with a good many other state guaranteed loans that are in the recreation industry.

This study that I mentioned points out very vividly that this industry brings \$30 million directly into the General Fund in the State of Maine. That is as much as the income tax does right now from Maine people. That is \$30 million right

directly into the General Fund. You are being asked here to appropriate \$150,000.

I would suggest to the gentleman from Yarmouth, Mr. Jackson, that one of the things that this study also bears out is the fact that there are many parts of this state that benefit better than others. There are certain parts of the industry that are more of a liability than others, but it did point out very vividly that the one thing that people don't realize is the amount of indirect funds that come into the state, especially he mentioned just the restaurant and lodging people and primarily lodging people, but it is the dollars that the people leave in the filling stations and all the other stores around that really contributes to the economy of the state.

You are talking of business here that is a \$457 million business to the State of Maine, and as I said earlier, that is a \$30 million direct contribution to the General Fund. As you look at the Appropriations Table today, everybody is going to say that you know, gee, here is \$150,000 we can spend on other things. But I will guarantee you, if you take a 20 percent reduction or any type of reduction like we have taken during the winter months in this industry, I can guarantee you will have about six to ten million dollars right out of that fund during the course of next year. If you will look at the revenue package, especially the sales tax figures for the months for January and February, especially the last one that came in where we were down somewhere around three quarters of a million dollars, I seriously doubt if it would be in the best wisdom of this body right now if we didn't recognize where this money is coming from and make some effort to make sure that it gets there and remains in our revenue package.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I would like to concur with the gentleman from Standish on his remarks and just touch on a few things.

I know that we are trying to move things along here. As you heard when we came into this session that there might

possibly be asked a half a percent increase on the state sales tax, that the tourist industry was going to ask for this in order to have a fund which we might have dedicated toward the advertising of the industry in the State of Maine.

To take you back a little bit further, we had always had a DED and a publicity bureau here at the state level. Most of your funds being expended today for publicity for the State of Maine is through the Maine Publicity Bureau, which is done through a membership basis and the Kittery Terminal and the various tourist bureaus that are operated throughout the country.

Now, our industry in the last couple of years has tried to come into the state area. We are not real critical of the DCI, but we felt that they have drifted away from the real meat and potatoes of the tourist industry and didn't realize just how many dollars that we were generating from Kittery to Calais and from Madawaska down through the whole of the state, counting all the operators. There is an organization which has an umbrella type of a coverage for the various industries attending people, the motels, the restaurants and the old hotels, the older inns and this type of thing. So, we felt with the volume of business, as the Representative from Standish has told you, up in the millions now, that it looked rather out of whack for just fifty seven to sixty thousand dollars being spent by DCI on the direct tourist and travel industry.

In the meantime, many of the people, in light of the energy — confidentially, they have been worried. Now, we are getting conflicting stories. I talked to the Governor on Wednesday afternoon very briefly on a matter and we got into this business of the allocation. Yesterday we stood here in the House and everybody says it is free wheeling again. I wonder if it is. I wonder if it is. I don't want to be a pessimist or spread any gloom here on the floor of the House this afternoon. The Governor says we are guaranteed we will get 90 percent of allocation. Florida had its problems this past winter. We are in hopes Maine is not going to. We have tried to lay a few bricks this winter in order to assure that the industry will be there and solidly awaiting all the people.

Also in my mail this week, several of us had been sent a letter by Senator Muskie, he had entered a resolution stating the fact that oil, he hoped, on behalf of the oil allocation people, would be coming into Maine in quantities enough to be certain that our industries would be open, the places would be ready for them and that folks could get in and out of our state freely.

I think you will bear with me as you look at some of the publications around the country today, your National Geographic magazine and see that our neighbor to the north, Canada does, that we are way behind here in the State of Maine. I know we are a small state, large geographically and a small population, but I do feel that today there is an opportunity here for small amount of money to give this industry a real morale boost after a long winter and they are still just as little bit afraid of what is coming forth if we don't get the gasoline, and I know that we are going it. I feel as though we are, we are ready, and we will be operating and be nice to have this bill passed along.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I have met this energy crisis. My problem is that at this point we have been told today that we are 300,000 over. I think that there are many uses for money right now. The gentleman from Standish pointed out himself that we have steadily gone down as far as our advertising and drawing. I would feel that this has happened under DCI, and here we are pumping more money into DCI. If this money were going to a more responsive or some slightly more imaginative body, I think we might be more successful in spending it. But I think to spend this money now in the flush of a energy crisis would be a great mistake.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I seem to be on my feet all day here. I guess that I should say that the Appropriations Committee heard this request and we indeed have some money problems.

Hopefully we have squared them away upstairs, and I would hope that you would go along with this bill.

They ask for \$500,000, and it does hopefully produce money. It is not like a lot of the programs that we're funding in this budget that will take money with no return. This is a chance to produce some money. The energy crisis has lessened some, certainly, and our neighbors to the north are spending, I understand, great amounts of money to attract this very vital tourist business. This is just a fraction of what they asked us for. I certainly hope that we would go along and pass this as an emergency measure this afternoon.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I think to a large extent I concur with the remarks of the gentleman from Yarmouth, Mr. Jackson.

I would at least indicate the response that I had from a gentleman who is responsible for a hotel in Ellsworth that I talked with over the weekend, and he is somewhat concerned about some of the remarks that the Department of Commerce and Industry is making relative to the fuel situation. He feels that reservations for his motel are coming in very quickly now and feels that perhaps some of the comments that are being made are detrimental to the industry.

I am not convinced, despite the reports that we get from Washington, that the energy crisis is behind us in any way shape or manner. It may well be easing, but I still think there is going to be a great restriction on leisure travel this summer.

The gentleman from Brewer, Mr. Norris, may have a good point about the money we would spend under this bill attracting more money, but I am not convinced the timing on this is apropos or right, and I think I shall vote against enactment of this bill today.

The SPEAKER: The Chair recognizes the gentlelady from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: This body

in its wisdom recently, in fact this afternoon, delayed or postponed benefits to the children of the State of Maine who qualify under AFDC. I ask those members, including myself, who voted for that measure, to consider carefully your vote here this afternoon. Are we practically in the same breath now going to spend a grand total of \$150,000?

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I guess I can't let that remark go unanswered. I guess the gentlelady from Freeport failed to take and listen to what the gentleman from Brewer said or what I said a little earlier. You know, it is awful easy for us to come into this legislature and stand here and say that we are going to start paying all kinds of welfare payments all over the State of Maine and we are going to take and fund the AFDC payments. Now we have got the SSI on increased payments and we have got all these other little gems to pay for, but you know, somewhere that money has to come in. I guess it doesn't grow on trees; maybe it does in Freeport, but I have got a hunch that there are some businessmen down around Freeport that would take and gladly tell you that their reservations and what is coming in this year just aren't as rosy as some people would like to have them believe they are.

I stated earlier that there are \$30 million that comes right directly into the General Fund of this state from this particular industry. If you took a look at just what comes into the City of Portland alone and gets on the Prince of Fundy and goes to Nova Scotia that we never even get — in fact, the City of Portland is probably lucky that they even get them long enough to stop and get some gas before they get on the ferry. The same thing happens down in Bar Harbor and then the people down in Nova Scotia want to keep them down there or send them back the same way. I think we poured a hundred thousand dollars right into the Prince to do that, to take them out of the state, and yet I don't know what we are doing now to make sure that while they are here we might keep them

around Portland or keep in the State of Maine a little bit.

I hate to bring up this little issue, because I know it is an issue that a lot of us have feelings on, but you know, we talked about a spruce budworm because of the importance of the industry to the State of Maine. I think we had better also consider just exactly the importance of this industry to the State of Maine. If you don't want the tourist business in the state and you want to take some type of reduction, you want to take maybe a \$6 million fund right out of there, then I would want to know just exactly what you want to do in the 107th to pay for it out of the taxpayers in the State of Maine through an increase in the income tax or sales tax. I think it is a heck of a lot better to invest \$150,000 when you are talking of a \$30 million investment.

The SPEAKER: The Chair recognizes the gentleman from Vinalhaven, Mr. Maddox.

Mr. MADDOX: Mr. Speaker and Members of the House: If you feel that you would like to keep the tourists around here, feed them good Maine lobster.

The SPEAKER: All in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

Thereupon, Mr. Simpson of Standish requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of the entire elected membership of the House. All those in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Birt, Bither, Boudreau, Bragdon, Brawn, Cameron, Chick, Churchill, Conley, Cottrell,

Cressey, Curran, Drigotas, Dudley, Dunleavy, Emery, D. F.; Farley, Farrington, Fecteau, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Genest, Good, Goodwin, H.; Hancock, Herrick, Hobbins, Hoffses, Huber, Hunter, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, Lapointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Lynch, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McNally, Mills, Morin, L.; Morin, V.; Morton, Murchison, Norris, O'Brien, Palmer, Parks, Peterson, Pontbriand, Rolde, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Sproul, Stillings, Susi, Theriault, Trask, Trumbull, Twitchell, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.; The Speaker.

NAY — Berube, Binnette, Briggs, Bustin, Carey, Carrier, Carter, Chonko, Clark, Connolly, Crommett, Curtis, T. S., Jr.; Davis, Deshaies, Dow, Faucher, Gauthier, Goodwin, K.; Greenlaw, Hamblen, Jackson, Jacques, Jalbert, MacLeod, McTeague, Merrill, Mulkern, Murray, Najarian, Ricker, Smith, S.; Talbot, Tanguay, Tierney.

ABSENT — Brown, Bunker, Cooney, Cote, Dam, Donaghy, Dunn, Dyar, Evans, Farnham, Immonen, Littlefield, Perkins, Pratt, Rollins, Ross, Santoro, Sheltra, Smith, D. M.; Soulas, Strout.

Yes, 95; No, 34; Absent, 21.

The SPEAKER: Ninety-five having voted in the affirmative and thirty-four in the negative, with twenty-one being absent, ninety-five being less than two thirds, this Bill fails of passage to be enacted.

The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MACLEOD: Mr. Speaker, I move we reconsider our action.

The SPEAKER: The gentleman from Bar Harbor, Mr. MacLeod, moves the House reconsider its action whereby this bill failed of passage to be enacted.

The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, I would like to table the reconsideration motion until later in today's session.

The SPEAKER: The Chair will order a vote. The pending question is on the

motion of the gentleman from Calais, Mr. Silverman, that this matter be tabled pending reconsideration and later today assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

78 having voted in the affirmative and 42 having voted in the negative, the motion did prevail.

The Chair laid before the House the following tabled and later today assigned matter:

An Act Relating to Conflicts of Interest and Purchases by Governmental Units (H. P. 2080) (L. D. 2603)

Pending — Passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I wonder if I might pose a question to the Chairman of the State Government Committee in reference to this bill, in particular in reference to the first section that is being changed dealing with whether or not a vote is void. The law used to be that a vote was void if the municipal officer participated or voted, and I am wondering how the change is going to be interpreted and what effect it will have on future votes taken by municipal officers.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, poses a question through the Chair to the gentleman from Orono, Mr. Curtis, who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I am pleased to answer that question because there is an item within this bill, which is L.D. 2603, which I think is very important that we change. If we don't change it, I think I can show you how the language voice which is in the existing law at the present moment would in reality end up interpreted probably by courts as being voidable. But I think it is better that we face the issue head on here.

What might happen, and this is what the State Government Committee was considering in executive session, is a situation in which the municipal body,

say for example a board of selectmen or a school board, would make a decision on arranging for a contract or perhaps purchase of land on which to build a new school building. Unbeknownst perhaps to a member of that school board who voted on the decision to purchase the land, he might have had an interest in the land. For example, he might be a potential heir from somebody who would be the previous owner of the land, or what perhaps is equally likely, he might not be aware of the law. Sometimes that happens, too. At any rate, under the existing law at the present time, what would happen is that things would go along smoothly until perhaps there had been some construction actually done upon the land and somebody would discover that this gentleman had an interest in the land and he was on the board that voted. Or the way the present law is situated, he might not even have been on the board but on a different municipal body. But at any rate, suppose he was on the board that voted. What might occur then would be that if the action of the school board was void because a person who voted had an interest, the municipality would be in significant trouble trying to figure out what to do with their half completed school.

What I am going to suggest is, the way the bill was written, 2603 before us now, suggest that action would be voidable and that anyone who brought this to the attention of a court could present the situation and a proper remedy could be found rather than having to go back and retrace the steps that were taken by the municipal agency in order to make that contract void, that is, as if there had never been any contract for the purchase of the land at all. So it is rather a technical legal question, I suppose, but I would strongly urge that voidable would be the appropriate language.

I have also consulted at some length with the people who represent the Maine Municipal Association and others who are interested in this field, and they agree with me.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the first tabled and today assigned matter:

Bill "An Act Relating to the Consent to or Surrender and Release for Adoption" (H. P. 2051) (L. D. 2585) Emergency

Tabled—March 26, by Mr. Birt of East Millinocket

Pending — Motion of Mr. McMahon of Kennebunk that House Amendment "A" (H-804) be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker and Members of the House: Yesterday, I prefaced my comments before speaking on this amendment by saying that I wasn't too familiar with the subject matter, and I am glad I did, because a particular question I had has been answered, and my original assumption regarding the amendment was wrong, so I withdraw my request for indefinite postponement of House Amendment "A".

The SPEAKER: The pending question now is the adoption of House Amendment "A".

The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Members of the House: I oppose the adoption of House Amendment "A" for the same reasons that I gave you yesterday and maybe more.

This amendment proposes to delete what we have in the bill, the second section of 532C, this amendment proposes to delete from it the word "shall" and put "may" in there and leave it at the discretion of the judge as to whether he will notify the people or not — whether he will notify the parent, the father of the child.

This bill here is mostly based on unmarried couples, and this is what we are talking about. Actually this bill was put in subsequent to a United States Supreme Court decision decided in the case of Stanley vs. the State of Illinois back in 1972. Very briefly, this case involves two unmarried people who lived together for 18 years, who have never been legally married, and as time went on, the woman died and there was a question as to parental rights as far as the three children were concerned. The

United States Supreme Court agreed and held that all Illinois parents are constitutionally entitled to a hearing, and this is the important part of it, to a hearing on their fitness before the children are removed from their custody.

This bill that you have before you has been drawn almost as close to the Stanley decision as it is possible. Actually, the bill goes a little farther than the Stanley decision, recognizing certain rights under certain conditions of the unmarried father.

We had a hearing on this back in February 18, and at that hearing there were a few people there and there was no objection to this particular language that we refer to as the second paragraph of Section 532C, which gave the judge — not gave the judge, but dictated to the judge that he shall give notice, that notice shall be given to the father. There was no objection to this, not to my knowledge, and I think what has happened here is that maybe some judge of probate just doesn't like this particular angle here of them being told what to do. The bill itself tells them in about 20 places what they should do and what they have to do, and why they choose on this particular place, this particular section of the amendment, I don't know. The section itself says that the judge shall order that notice of the mother's intent to consent to adoption, to execute surrender of release for the adoption of the child be given to the putative father of the child in such manner as the judge deems proper. Actually, what more do you want? They direct the judge that he has to give notice. They don't tell him how to give notice. They don't say that he has to give it by publication.

It was mentioned here yesterday about publication. You don't have to. As far as embarrassing your parents, you don't have to worry about embarrassing your parents. What we should do, our main concern on this particular bill, and this is why it was written, is for the interest of the child, not the parent. This is what you have to take into consideration. You have to take the whole family picture, that is what you have to take. The child has the natural

right, has the right to his natural parents and you shouldn't cut it off because it might be an inconvenience for some judge to be told that you have to serve notice on the parent. I would like to have notice on anything that I am supposed to take care of or that I am entitled to. But what bothers me is the fact that if you do this, if you don't order them to give notice, the judge might not give him any notice and he will give your rights away by letting somebody adopt your kid if it happens to be yours.

I am also worried about some other complications. I happen to believe that maybe—what about the parent who has shown interest in this child? What if he happens to be in a mental institution temporarily because he might be an alcoholic? What if he happens to be under drugs and he cannot operate under this, is he going to lose all his rights? I assume and I am telling you that he will.

They go too far here, because this says "as the judge deems proper."

The SPEAKER: The Chair would caution the gentleman that we are discussing the amendment which is changing the word "shall" to "may".

Mr. CARRIER: That is right. Mr. Speaker, I am trying to prove that this is a mandatory thing, that it should be a mandatory notice, not to change it to "may," because if you let them put "may" in there, they don't have to give notice to the parent. This is what I don't agree with. I think a parent that has shown interest in the child should have notice of what is going to happen to the child. He might happen to be the only one that is interested in the child. Maybe the woman has abandoned the child. I think the father has legal rights as far as the child is concerned, and this is recognized. I think if you change this thing, this could come to be a gray market of babies where nobody has any rights and the babies are available. I don't think this is really what you want to do.

I think throughout the document — and I think it is a good document and I don't want to lose it, but throughout the document you tell them exactly what will be done. And in the interest of the child and in the rights of the child, he is entitled to these rights as it is right now,

"they shall order the notice to be given," and leave it a little to the discretion of the judge. He can give them notice whichever way he wants to.

I am against the amendment, and I move the indefinite postponement of this amendment.

The SPEAKER: The gentleman from Westbrook, Mr. Carrier, moves the indefinite postponement of House Amendment "A".

The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I think there is some misunderstanding concerning this legislation. This covers situations only when the mother of an illegitimate child wishes to surrender the child for adoption.

This came about because of the Stanley case ruling. If the father has met certain provisions, he shall be notified, if his name is on the birth record, is currently providing or attempting to provide support for the child. What we are saying here is, this will happen. If the father is interested and if he wants the child, the child is quite apt not to be put up for adoption in the first place. But how do you notify a father when you haven't any idea where he is? The only way would be publication in the papers.

This is a new concept, and like everything else that is new and hasn't been worked on before, is probably not perfect. I am sure after a period of time you will have to come back and amend it after the departments work with it. But this takes care of one problem that we can see now, so this one we can take care of in advance.

If this legislation isn't passed and this amendment is not adopted, what is going to happen is that many of these mothers are going to be forced to keep the children, because they are not going to go for the publicity in the paper and this will not be in the best interest of the child, so I hope you do go along with the amendment.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: If it turns

out that the woman has to keep the child, I think that is probably the way it should be. My understanding is that the notice in the paper does not have to involve the name of the putative father or the unmarried mother. This is what I believe. From what I have seen in the past in the paper, you don't mention who is who, you just mention those who are interested in a certain case, so and so and so, regarding so and so, and in this case, I believe that it probably will be the name of a child as far as that goes, if he has a legitimate name.

I think this is a very, very serious matter, to start fooling around with these adoption rules. I think you have it nice and clear in the bill itself. I am willing to support the bill but I think if you are going to change this amendment, and if you are going to change just a particular section, there are a lot of other sections you will have to change too.

I don't see why they picked on this particular amendment. I am truly interested in protecting the rights of the child, and I cannot buy the idea that many mothers will be forced to keep their child. There is no such thing as being forced to keep their child in today's society, there is no such thing as that. This is a very weak argument. And as far as publicity goes, if it ever gets to the paper, you have to use the publication under our rules of procedure, I think the name of the people themselves, the putative mother and father, wouldn't even have to appear and would come out as a case of so and so. I am sure we have many good legal minds that would think of some way, that the publication would be effective without putting the names of the people in there.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Along this same vein, I would like to pose a question to any member of the House who may care to answer, particularly an attorney. Can any other legal means of notification be used other than publication in the newspaper, and must legal notification name the name of the father and the mother and the reason for

the notification?

The SPEAKER: The gentleman from Kennebunk, Mr. McMahon, poses a question through the Chair to anyone who may answer if he or she wishes.

The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I am not an attorney and maybe that's great, but I have never seen a notice in the paper concerning even posting notices that you are not going to pay someone's bill unless the name of the person and the subject matter is in the notice, and I should think the same would apply in this case.

The gentleman from Kennebunk, Mr. McMahon, was granted permission to speak a third time.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: What I was thinking is along the lines that the notice would be sufficient and simply name the name of the father and simply that this person was requested to contact the probate court. Would that constitute legal sufficiency as far as being a notice under this document? If it would, then I would agree with Mr. Carrier. If it wouldn't, I would agree with Mrs. Boudreau.

The gentleman from Westbrook, Mr. Carrier, was granted permission to speak a third time.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I can only answer some of the questions the way I believe it to be my knowledge, which might be very limited and could be very wrong. Apparently, the few lawyers we have in the House choose not to get involved in this or to answer the questions, and I will give them the benefit of the doubt. Maybe they know and maybe they don't know. On the other hand, I still submit to you that publication can be given in many, many ways. As far as publication through the newspaper, that is a case of last resort.

In the first place, if I read this bill right, and if for some reason the putative father did not show any interest at any time or some time did not show enough interest to actually deserve a notice, they can proceed under this bill, they

can proceed without notice. All they need is the consent of the mother. If he has shown some notice well, he would have had to show something if he had his name appear in the birth record, he would have had to show some interest, he would have also attempted to provide for the child, probably paid for the hospital bills or the medical care involved. If he has done this and met some of his obligations, I am sure, sure as anybody can be, that you're going to know where this fellow is, because if he pays for something, he is going to be interested, especially if it involves a child.

We are not talking about tangible stuff now, we are talking about human beings, that is what we are talking about. Actually, if it turns out that he has no interest, under some other section of this bill they don't have to give them notice. The judge can actually, through another process, with the consent of the woman, put the child up for adoption. I think this is a very bad step. We are actually fooling with a human life here and I don't like to see it being thrown around here on some angle where somebody's rights will hinge on publication. I think publication is a very small thing, here and I think we should tell the judge what to do.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Dunleavy.

Mr. DUNLEAVY: Mr. Speaker, Ladies and Gentlemen of the House: The probate judge, to answer Mr. McMahon's question, has considerable discretion on the question of notice. In those instances where he has to notify somebody of a particular event that has taken place in his court, he has the right, if he chooses, to order notice on a relative by certified or registered mail. I think that that would make it unnecessary in an instance such as this to have notice by publication.

I also want to state that I am against this amendment and I support its indefinite postponement because I think to an extent it erodes the rights of fathers and sets a precedent which I consider a little dangerous. I know this is not on the minds of many of those who support the amendment, but it reminds me a little

bit of the intent by some to destroy paternal rights in unborn children, by those who would make it easier to obtain abortions by not requiring the consent of the father.

I am opposed to this amendment as setting a dangerous precedent along those lines, and I am voting for its indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker, Ladies and Gentlemen of the House: Some members of the Judiciary Committee have stated their position on this amendment. I certainly cannot claim any great deal of expertise in regard to the law of adoption, although, like some of you, I have had the opportunity to talk with the probate judges around the state who do have very considerable expertise, not only in the law of adoption but of the practical facts concerning adoption. What are those facts today? It seems to me, if you will, a deficit in the number of children, at least young children, available for adoption. This perhaps is caused by many things, including the increasing use apparently of birth control techniques and devices.

There is no need to talk about the cost to the state in dollars and cents, which often occurs on the AFDC roles and otherwise when children are not adopted. Let's forget the money, because I guess supporting a child for 18 years, even though it may be a lot of dollars, is a relatively cheap price to pay. Let's talk about the human tragedy of a child born under unfortunate circumstances, and whether the parents have been guilty or not guilty of one thing or another is not the issue, the child is certainly guilty of nothing. In many, many cases, unless that child can be adopted and can be adopted at a relatively young age, perhaps age one or one and a half or two, the child is to be a state ward and many of them are not adopted it's entire life. Although some of these children, with strength of character and good fortune, can still become fine and excellent citizens, the sad fact is that many of these children have the deck stacked against them by age two or three, if they are not adopted.

I consider from a practical point of view, one of the most horrendous decisions the United States Supreme Court has ever made, the decision on which this bill was based. This bill is a necessity; it is one of perhaps the truly few things that is in here on an emergency basis. I think the Supreme Court went real far off base and the question is, how can we, not liking but having to live with this Supreme Court mandate, best deal with it? There is a statement that I think you have often heard, that hard cases make bad law, and as I understand this United States Supreme Court case, it was a case where the father of the child born out of wedlock had really paid more attention and had had more contact with the child than the mother, and the State was going to take the child away with no rights being afforded the father, even though the child had lived with him for 15 or 16 years. But unfortunately, the court made some very broad pronouncements which have been construed as potentially requiring almost equality of rights between the father of the child born out of wedlock and the mother of the child born out of wedlock.

Now equality between the sexes is all fine and grand, and we voted that way on the ERA thing, but anyone who says that a father of a child that he has never seen and may not even know exists is entitled to the same degree of legal rights in regard to that child as the mother that bore that child in her body for nine months, is real far off base. I frankly think the United States Supreme Court is far off base. The practical effect of the decision the Supreme Court made is going to be to slow down and reduce the number of adoptions and that is a real tragedy. That is a tragedy that will not only cost money but things worse than money.

I would like to know how many of the people in Thomaston today originally came into this world under these circumstances, which perhaps was not their fault back then. But I also know, and I ask you, among people perhaps in your own family, some of our finest and most upright citizens who contribute the most to society are those children who have had the opportunity to be adopted.

What is the issue of Mrs. Boudreau's amendment, which I support? What we are trying to do is to pass a law that will enable our probate judges and probate courts, acting on behalf of the child, who is six months or one or two, not the mother or the father, they are adults, but the child, to perhaps act in such a way as to put adoptions through that will be legal, in case they are attacked in the future and yet not create a barrier for the very fact of adoption. What would happen if there was service by publication in the newspapers? What would you do if you were the parent of a girl who became pregnant and was not married and was considering adoption? If you knew there might be a publication in the newspaper, your daughter Mary Jones, the mother of a child born out of wedlock is considering adoption, would this tend to increase adoptions, to make mothers more willing, if they wanted to, to place the child in a home with a mother and a father, where the child could grow up and have a chance or, in fact, if we pass a bill like this without the amendment as Mrs. Boudreau suggested, are we really as a practical matter focusing on what I consider to be the theoretical, in many cases, legal rights of the father whose connection with that child might constitute one night or one hour or half an hour or fifteen minutes, are we placing his rights, maybe, before the rights of the kid.

I hope, and I have talked with a number of the probate judges, we have available in this legislature, both as members of the legislature, a Senator from York, Senator Roberts, who is a former probate judge, an individual in this, who is legislative council in this legislature and is the probate judge in Cumberland County, perhaps those of you from Sagadahoc County know our probate judge there, but it is the judgment of these men who deal with the mothers and the children and the adoptive parents that this amendment, this changing of one word, from "may" to "shall", may help adoptions to go through and may not discourage women who have children that they would like to place for adoption from doing it. Isn't that a good thing?

I guess, in a sense, I am old-fashioned, although I know we have to support the Constitution, whether we want to or not, in some ways. I like the old law. I like the law that said to a father who had a child born out of wedlock that he had duties but not rights. I guess that is old-fashioned; I would like this bill to say this but it can't. I don't want this bill to go so far above the theoretical rights of these illegitimate fathers, because I believe there are illegitimate fathers and illegitimate mothers but no illegitimate children. I want our judges to have here as much flexibility as possible in order to encourage adoption.

We had a debate about judicial discretion this morning, and I know the vote was heavy in the question of sex, and we voted four or five to one against giving judges discretion in sentencing. I had to vote with the minority there and I obviously am not going to argue that view because I know it wouldn't persuade anyone. But ask yourself this question, if there is a chance that a judge can work it in such a way that adoption can be encouraged or discouraged, what would you want that judge to do? Do you want him to be in a strait jacket so that when a young girl 18, 19 or 20 goes in and says, "Judge, I would like to see what arrangements can be made to have this adoption go through court," and he says, "We have to publish in the newspaper and everybody in your town will know," or do we want the judge to be able to, in a sense, do as little as possible to comply with that United States Supreme Court decision, which is a long way removed from reality? This is what Mrs. Boureau's amendment does.

I should mention a last personal thing that lawyers, and I guess occasionally I handle an adoption, I don't too many anymore, I guess I don't have any terrible conflict of interest in this case, they don't pay much and they shouldn't to the lawyers. As a matter of fact, the lawyers should be happy to handle an adoption, in my opinion, for free, because so much of what lawyers do, like so much of what legislators do, is unhappy, dealing with human misery. Occasionally, if you can be a little part of placing a child in a decent home and do something right, I think you ought to

grab the opportunity. Maybe we ought to have lawyers handle adoptions for free and maybe we as legislators ought to pass this bill with the amendment Mrs. Boudreau has suggested so as to encourage, not to discourage, adoptions. I hope you will vote with Mrs. Boudreau on the amendment.

Mr. McMahon of Kennebunk was granted permission to speak a third time.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I listened very carefully to the gentleman, Mr. McTeague's comments. While very eloquent, I don't think they are entirely pertinent. Mr. McTeague was describing a father who was uninterested, and I agree with him that that type of father is not to be admired. However, that is not what the original bill talks about. In Section 532C, under the section about notice, which is what we are talking about, it says that when the mother of an illegitimate child wishes to consent to the adoption of the child and the father has not consented to the adoption of the child, the mother must file an affidavit with the judge of probate so the judge may determine whether the father must be given notice of proceedings. In that affidavit, it is up to the mother to list whether or not the father is named on the birth record, in which case he certainly wouldn't be unknown, or whether he is currently providing or has attempted to provide support for the child, in which case he is certainly not uninterested. I am paraphrasing, of course, but I am picking out the points that I think are most pertinent.

Now, assuming that the mother admits that the father is interested, that he does not consent to the adoption, that is he wants an opportunity to adopt the child himself, the bill further on sets up a very detailed procedure by which the probate court will judge whether or not the father is adequate to adopt the child and the final decision remains with the court.

I really now, after having listened to this debate, that this amendment does change the intent of this entire bill. The bill seeks to guarantee the rights of an interested father when the mother wishes to give the child up. The bill

requires notice to the father, who has shown his interest in his child. If we accept the answer that notice does not require publication of all the facts, which is what Mr. Dunleavy indicated in his opinion a few moments ago, then the argument against notification in the newspaper is erroneous. I would much rather see a child with one of his natural parents, whichever one was interested in taking the child, be it the mother or the father. I hope you do move for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker, Ladies and Gentlemen of the House: Speaking of Section 532C, Page 3, the second paragraph, which as I understand it is the part of the bill that the gentlewoman from Portland, Mrs. Boudreau's amendment addresses, one of the facts is that the child is named on the birth record. I think all of us know how birth records are generated on a potential embarrassment of a girl not married, in the hospital delivering a child, on the fact that sometimes any name or no name or something is put in there. I don't think the fact that the mother, in the state of perhaps difficulty, after delivering a child, delivering a child out of wedlock, because she puts the name of a certain gentleman -- you know, it strikes me, by the way, that we do know who the mother of the child is. The mother is the one there, has to be there when the child is born, you try telling me who the father of the child is. I guess you can prove sometimes that the man isn't the father of the child by blood tests. You tell me that under some of the circumstances that exist in this country and even in the State of Maine today, who the father of that child is, in some cases you would have to choose among ten men and in some cases a hundred.

The girl may pick and choose for any number of a variety of reasons, and yet because in the hospital bed she gives the nurse a name and it goes in on the birth certificate, do we want the judge to be absolutely required to go through this whole hassle about notification? This could perhaps in some cases involve public notice.

So although I appreciate and recognize the concern of the gentleman from Kennebunk, Mr. McMahon and his comments, and other gentlemen and members who spoke on that side, I just think when we have to make a choice that may involve the child or the illegitimate father or even the illegitimate mother that we ought prefer the child.

Mr. Carrier of Westbrook was granted permission to speak a third time.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: This being such an important subject, it is rather hard to listen to everything said here. I take it for granted that everything being said is the truth, but I cannot stand here and take this stuff when somebody says that you have to prove that he is not the father of the child. I cannot buy this. Under no circumstances can anybody prove that anyone is not the father of the child. They can prove that he might not be the father of the child, but to stand up here and try to make others believe that this is possible, to say that somebody can prove that he is not the father of the child, this is unacceptable by medicine or anybody else. I hope some of these statements are said in good faith and probably in error. This is in error when somebody tells you that.

The fact is, ladies and gentlemen, that we are going all over this bill and all over the amendment, and we are back to the second section of this particular bill where it says that the father who has shown concern, who has shown interest in the child, then he should be served notice as the judge deems proper. He shall be given notice, I think he should. The most important part, the last two sections say, in all other cases, which includes, if the father hasn't shown any interest in the child, the mother shall be the only person required to give consent if she does choose to surrender and release the child. This is what it is all about. The one that has shown interest in it, he should get a notice and the way this is, he should get a notice and as the judge deems proper. We can go on all over the state and all over the place as far how this notice should be given or how far it should be given, but it has been

displayed here many ways that the notice can be given.

The SPEAKER: The pending question is on the motion of the gentleman from Westbrook, Mr. Carrier, that the House indefinitely postpone House Amendment "A". All in favor of that motion will vote yes, those opposed will vote no.

A vote of the House was taken.

27 having voted in the affirmative and 62 having voted in the negative, the motion did not prevail.

Mrs. Lewis of Auburn requested a roll call vote on the adoption of House Amendment "A".

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentledady from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Members of the House: I would like to remind the members of the House that this bill came out of committee with a unanimous "ought to pass" report. This amendment, at one point I was convinced that probably it would be a good amendment, but after listening to all the debate and considering all points of the questions, I think that it would, to put it in rather crude English, gut the intent of the bill.

The intent of the bill is to protect the right of the putative father. I would like to have the members of the House turn to L.D. 2585, page 3, Section 532-C, notice the second paragraph. This is the part that is proposed to be amended, at about the fifth or sixth line there changing the word from "the judge shall" to the "judge may."

Now, I think if you will read along in the rest of that paragraph, before that and after that, you will see that if the father has taken an interest and shown any interest in the child, or if his name has been on the birth record, he has a right. It does not say anywhere that the name of the mother of the illegitimate

child has to be published in any newspaper. It seems to me that possibly in the probate notices, even, notice could be given that the father by name, whoever he may be, putative father, is called to report to the probate court. But it does say that notice shall be given, and you notice the third line from the bottom in that same paragraph, in such manner as the judge deems proper.

Now, I think that we can depend upon the judges of probate to handle this in a proper manner. So, therefore, I support the motion to indefinitely postpone the amendment.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker, Ladies and Gentlemen of the House: I join with the gentledady in inviting you to look again at page three of the bill, which is L.D. 2585. I want to give you an example of how I read it, and if anyone differs, including the gentledady, from me as it applies to the facts of the particular case, I would present I would ask you to tell me. First of all, if the judge finds in the affidavit of the mother the putative father is, and it lists, I think, three things, currently providing support, attempting to provide support, involved in or attempting to be involved in a family relationship or named in the birth record.

I have to represent a town where there is a military base. Let's take the Naval Air Station at Brunswick. Let's assume, it has been known to happen, a young lady in our area becomes pregnant and maybe she thinks that the father is a sailor from our naval air station, he may be long gone over to Sicily or in Iceland or on the west coast or in the Pacific by now by the time the child is born or is up for adoption, but she thinks it is him, and for some reason she puts in his name. We will call him Tom Smith, sailor U.S.N., on the birth certificate. Tom Smith is long gone from the state of Maine by the time this child is born or by the time the child comes up for adoption, perhaps six months or a year or two years after birth, and maybe, and these things happen and they are unfortunate, but maybe she doesn't know if it is Tom Smith, U.S.N., or Jerry Jones, United

States Marine Corps or someone else, God knows who. But some name, somehow, got on that birth certificate and she put it there, not with the advice of a lawyer or the probate judge or a social worker, but in a sense when she was in the hospital after the birth of the child. And now the judge has to give notice to one of these people we have talked about, Tom Smith, U.S.N., he is now serving at the naval air facility in Sicily, but of course the mother doesn't know this, she just knows that she met him perhaps one night or two and he has been gone a year or two. So now we have got to publish some kind of notice because we can't personally serve, through one of our deputy sheriffs, this fellow, we don't know where he is anymore.

So what kind of a notice are you going to give him, a notice in the newspaper? Well what does the notice have to say? The notice certainly has to show that it relates to an adoption. I would think in order to be a valid notice it would have to show what adoption it is related to. You can't just publish a notice in the newspaper that someone has died, blank has died and you may have an interest in his estate and come in, you have to say who has died. Now, Tom Smith or whatever name I have used, he is no longer in Brunswick or Bath or Woolwich or any of these towns, he is over in Sicily and he probably doesn't read the Bath Brunswick Times Record anymore, but the mother does and her parents do and her parent's friends do. I ask you again to tell me if you think that is going to encourage or discourage adoptions.

I have confidence, as does the gentledady from Orrington, Mrs. Baker. in our judges of probate. They are the only branch of our judiciary in the State of Maine which is elected, and perhaps that is a good thing, particularly in circumstances like this. I think the problem is going to be the paperwork and the delays and the rigamarole involved that already discourage adoption. I am afraid we are going to discourage it even more. But if we end up dealing with a situation where the father — and I know we keep using the phrase putative father — but I assume before man is contributing support to a

child born not in wedlock, that he is either going to be under court order for support, in which case there is no problem, or he is really going to be pretty doggone sure that he is the father of that child. He is going to be exceptional, by the way, if he does contribute support without being married. Many of the fathers of children that have been married at the time the child was born don't contribute support.

What are we going to do about this sailor or it may have been a marine or it may have been a fellow that was working temporarily at the Bath Iron Works. We are going to have to publish notice in the newspaper, and I don't think that is going to encourage adoptions. Although we are not on a roll call, and although I respect and recognize the concern and legitimate concern of the members of this legislature who are on the Judiciary Committee, I would suggest that the best source of guidance on a question like this is the judges of probate, who are the only ones who have ever dealt with the problem. The judge of probate in my county has talked to me about it, and I am very impressed by what he says. So I hope that we will on the roll call, as on the division, go along with Mrs. Boudreau.

THE SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

MR. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I have been trying to read a little bit of this. I am not a lawyer and never have been and probably never will be and probably don't understand legal language either, but there is one sentence in here that says if the father has made some efforts in various ways to involve himself in the upkeep of the child, he shall be given notice. In all other cases the mother shall be the only person required to consent or to execute a surrender release for the purpose of adoption of the child.

To me, I don't know, but that is about as about as plain English as I can read, that unless a father has made some effort to support the child, he does not have to be notified and the mother is the only one required. I frankly don't see

what all the discussion is about; I think it is as clear as can be.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker and Members of the House: I would like to pose a question through the Chair to the gentleman from Brunswick or anyone that perhaps may care to answer it. It has to do with the example that Representative McTeague used as to the sailor who may be someplace else. As I read the bill, the probate judge may declare any notice as the judge deems proper. If the judge felt it was proper for notice to be given by simply mailing something to the sailor's last known address, would that be sufficient and thus mean that you wouldn't have to put it in the newspaper?

The SPEAKER: The gentleman from Durham, Mr. Tierney, poses a question through the Chair to the gentleman from Brunswick, Mr. McTeague, who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. McTEAGUE: Mr. Speaker and Members of the House: My good friend the gentleman from Durham, Mr. Tierney, I am not certain, but I doubt it, but I hate to find out four or five years from now in the Supreme Court, after many thousands of children weren't adopted because of the type question that he propounds.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Dunleavy.

Mr. DUNLEAVY: Mr. Speaker, Ladies and Gentlemen of the House: The last adoption I handled here we couldn't find the father, the judge ordered me to send a registered letter to his sister in Massachusetts. I did it, and we went through with the adoption.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I hope you listened carefully to the remarks of the gentlelady from Orrington, Mrs. Baker, who was also the chairperson of the Judiciary Committee.

I really believe that if you adopt House Amendment "A" you will be approving

an amendment that takes away the rights of the father in a bill that seeks to guarantee those rights.

Regarding Mr. McTeague's comments about a girl using a fictitious name on a birth certificate, perhaps if a young lady did in fact use another man's name, that man would want to know about it. This is one way for him to find out. He then can take appropriate action in a paternity suit or deny the same.

It has already been established that publication of notice need not be in a newspaper, so that argument is fallacious. This is a bill that protects a father's rights. I really believe that this amendment does in fact gut this bill.

The SPEAKER: The pending question is on the motion of the gentlelady from Portland, Mrs. Boudreau, that the House adopt House Amendment "A". A roll call has been ordered.

YEA — Albert, Berube, Boudreau, Bustin, Carey, Chonko, Clark, Conley, Connolly, Cottrell, Curran, Davis, Dow, Drigotas, Dyar, Fecteau, Fraser, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Hobbins, Huber, Jacques, Kilroy, LaPointe, LeBlanc, Lewis, E.; Lynch, Maddox, Mahany, Martin, McCormick, McHenry, McKernan, McTeague, Morin, V.; Morton, Mulkern, Murray, Najarian, O'Brien, Palmer, Pontbriand, Rolde, Sheltra, Smith, D.M.; Snowe, Sproul, Stillings, Talbot, Theriault, Twitchell, Walker, Webber, Wheeler, Whitzell, The Speaker.

NAY — Ault, Baker, Berry, G.W.; Berry, P.P.; Binnette, Birt, Bither, Bragdon, Brawn, Briggs, Brown, Cameron, Carrier, Carter, Chick, Churchill, Cressey, Curtis, T.S., Jr.; Deshaies, Donaghy, Dudley, Dunleavy, Dunn, Emery, D.F.; Evans, Farley, Farnham, Farrington, Faucher, Ferris, Finmore, Gahagan, Garsoe, Good, Hoffses, Hunter, Jackson, Kauffman, Kelleher, Kelley, Kelley, R.P.; Keyte, Knight, LaCharite, Lawry, Lewis, J.; MacLeod, Maxwell, McMahon, McNally, Merrill, Mills, Morin, L.; Murchison, Parks, Peterson, Ricker, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L.E.; Smith, S.; Susi, Tanguay, Tierney, Trask, Trumbull, Tyndale, White, Willard, Wood, M.E.

ABSENT — Bunker, Cooney, Cote, Crommett, Dam, Flynn, Herrick, Immonen, Jalbert, Littlefield, Norris, Perkins, Pratt, Santoro, Soulas, Strout.

Yes, 61; No, 73; Absent 16.

The SPEAKER: Sixty-one having voted in the affirmative and seventy-three in the negative, with sixteen being absent, the motion does not prevail.

Thereupon the Bill was passed to be engrossed.

The SPEAKER: The pending question now is passage to be enacted.

This being an emergency measure, it requires a two-thirds vote of the entire elected membership of the House. All in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

107 having voted in the affirmative and 2 having voted in the negative, the motion did prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

Mrs. Wheeler of Portland presented the following Joint Resolution and moved its adoption.

WHEREAS, the State of Maine has suffered the loss of a beloved and esteemed citizen in the passing, on March 19, 1974, of the Honorable Thomas LaSalle Maynard of Portland, Maine; and

WHEREAS, he worked tirelessly to advance the noble interests of education, his chosen profession, and served more than 20 years as principal, teacher and coach within that field; and

WHEREAS, in later life he distinguished himself further in such fields as business and government as an investment broker, Member of the Ninety-eighth Legislature and by his candidacies for the Congress of the United States; and

WHEREAS, he was a constant champion of underprivileged and minority interest and attracted, in his affable way with independent vote and thought, countless warm and lasting friendships; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Sixth Legislature of the State of Maine, now assembled in special legislative session on this 27th of March, 1974, tender our deepest sympathy to the bereaved family of the late Thomas L. Maynard with assurances of sharing in their personal loss and offer this tribute to his memory in recognition of his services to this State; and be it further

RESOLVED: That a suitable copy of this Resolution be sent to Clara, his devoted wife, and their children in token of our esteem. (H. P. 2040)

The Joint Resolution was received out of order by unanimous consent, read and adopted sent to the Senate.

The Chair laid before the House the second tabled and today assigned matter:

Bill "An Act Changing the Membership of the Legislative Ethics Committee" (H. P. 2069) (L. D. 2599)

Tabled — March 26, by Mr. Simpson of Standish

Pending — Passage to be engrossed

Mr. Connolly of Portland offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-818) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentleman of the House: I am not sure whether all of you know what this bill is, the bill we are discussing now, but I would like to explain it briefly.

I introduced the bill earlier in the session that would change the makeup of the Legislative Ethics Committee. Currently the Legislative Ethics Committee consists of the leadership of the House and the Senate of the legislature. Because of the conflict of interest charges that were raised during the off time between the regular session and the special session, a great deal of controversy and talk arose over who sits on the Ethics Committee. The feeling was of a lot of people that got in touch with me was that that makeup should be changed so that the public would sit on the Ethics Committee rather than

members of the legislature. The reasoning behind it was that we should try to make questions of ethics or resolving questions of ethics and take those questions out of the traditional political framework and try to resolve those in as objective a manner as possible and try to take partisanship as much as possible out of the resolution of such kind of questions. So, I introduced the bill that would change that membership to seven members of the public, appointed by the Governor.

When that bill went to committee for study they redrafted it and sent it back to us in a unanimous report, but that report does not include or provide for any members of the public to sit on the Ethics Committee. And as I understand it, the reason that decision was made was because of a ruling that they got from the Attorney General's Office where he raised the question that there might be some problems with the constitutionality of it because it may be improper for the legislature to delegate authority outside of its own Houses.

Since the time the bill has been before us, it has been on the table for quite a while now, I have had the opportunity to do research with, had people talk to Mr. West from the Attorney General's Department, and I have talked to other lawyers trying to resolve the matter in my own mind. I have come to the conclusion that I don't think there is a constitutional problem. I think the legislature has the authority to delegate certain responsibilities to other groups. The only problem arises when the time comes to make a final decision on a question of ethics or conflict of interests, who has the authority to do that? If you look over the amendment that I have introduced and if you compare that with the law as it now exists, you will find that the only power that the Ethics Committee has, whether it is made up of leadership or made up of members of the public, is to investigate questions of conflict of interest that are brought by members of the legislature and then to issue an advisory opinion. But the final decision on that advisory opinion is left to the legislature. So in my own mind, I don't see that there would be a problem of constitutionality. I hope that you would adopt the amendment.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Portland, Mr. Connolly, has given you a very good description of the background of this bill. It is correct that he introduced a bill to do one thing; the State Government Committee reported out a bill which does something quite different. The bill which the State Government Committee reported out is L. D. 2599 and provides for membership of the Ethics Committee to be comprised of four members of the Senate to be appointed by the President of the Senate and four members of the House to be appointed by the Speaker of the House, two being from each party.

I have two objections to the amendment which Mr. Connolly has presented. I think that most, if not all, of the members in the State Government Committee agree with me. The first one is the constitutional problem, and I would refer you to the provision of the Maine Constitution, Article IV, Part Third, found on page 11 of our little Senate and House Registers. Section 3 says, "Each House shall be the judge of the elections and qualifications of its own members, and a majority shall constitute a quorum to do business," and so forth. In section 4 on the next page it says, "Each House shall determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause."

Now, the constitutional problem that I foresee, and I think the committee did also, is as I just pointed out, the provisions in the State of Maine Constitution. That is at least debatable. I think the gentleman from Portland, Mr. Connolly, has a point that the way the present Ethics Committee is made up, that the Ethics Committee recommendation would be just a recommendation to the House and to the Senate and it would be up to those bodies to make their own decisions.

We have another piece of legislation before us, L.D. 2605, which substantially changes the powers of the Ethics Committee, and that is a different problem that is not before us right now.

The second problem, major problem, that we foresaw with the suggestion that the Ethics Committee should have public members, that is members who are not members of the legislature, was that public members would not be as familiar with problems or voting upon legislation as members of the legislature ourselves. We are sworn here to make certain decisions and to take positions on pieces of legislation, and I think in matters as serious as a suggestion that another legislator might be in conflict of interest, that the members of the Ethics Committee who had been appointed from the legislature to be on that committee would take their duties very seriously and would not act in a partisan fashion.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I intend to favor the concept that membership of the Ethics Committee should be public members, as presented by Mr. Connolly from Portland, but I see one problem anyway with the amendment, and that is that it has no appropriation. I can't imagine any public member would serve on this without at least being reimbursed for expenses, especially as it is apt to be very time consuming.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question that Mrs. Najarian puts before us, I would just point out that it already provides for compensation in the law as it exists now. The law that creates the Ethics Committee provides for compensation at the rate of \$10 per day plus expenses. This is already provided for in the law.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Gahagan.

Mr. GAHAGAN: Mr. Speaker, Ladies and Gentlemen of the House: The State Government Committee did consider this possibility, and I too have sympathy for the desires of Mr. Connolly to have public members on the committee.

However, I think it was the unanimous feeling of the committee that members of the public would always have the opportunity to express themselves to their Representative or to a member of the Ethics Committee so that the public wouldn't be excluded from any expression of his concern over conflicts of interest with legislators. So I hope you would not support passage of this amendment.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Portland, Mr. Connolly, that House Amendment "B" be adopted. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. LaPointe of Portland requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Connolly, that House Amendment "B" be adopted. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, P. P.; Berube, Binnette, Bourdreau, Carey, Carter, Chonko, Clark, Conley, Connolly, Cottrell, Dow, Drigotas, Dunleavy, Farley, Fecteau, Ferris, Garsoe, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hobbins, Jalbert, Kelleher, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Lynch, Martin, McHenry, McKernan, McTeague, Morin, L.; McTeague, Morin, L.; Morin, V.; Mulhern, Murray, Palmer, Peterson, Pontbriand, Rolde, Ross, Smith, D. M.; Smith, S.; Sproul, Talbot, Tierney, Twitchell, Wheeler, Whitzell, Wood, M. E.

NAY — Ault, Baker, Berry, G. W.; Bither, Birt, Bragdon, Brawn, Brown, Bustin, Cameron, Carrier, Chick,

Churchill, Cressey, Crommett, Curran, Curtis, T. S., Jr.; Davis, Deshaies, Dudley, Dunn, Dyar, Emery, D. F.; Evans, Farnham, Farrington, Faucher, Finemore, Gahagan, Good, Hamblen, Hancock, Hoffses, Huber, Hunter, Jackson, Kauffman, Kelley, Kelley, R. P.; Keyte, Knight, Littlefield, MacLeod, Maddox, Mahany, Maxwell, McMahon, McNally, Merrill, Mills, Morton, Murchison, Najarian, Norris, Parks, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Stillings, Susi, Theriault, Tyndale, Walker, Webber, White, Willard.

ABSENT — Albert, Briggs, Bunker, Cooney, Cote, Dam, Donaghy, Flynn, Fraser, Gauthier, Herrick, Immonen, Jacques, Kilroy, McCormick, O'Brien, Perkins, Pratt, Ricker, Santoro, Sheltra, Soulas, Strout, Tanguay, Trask, Trumbull, Mr. Speaker.

Yes, 54; No, 69; Absent, 26.

The SPEAKER: Fifty-four having voted in the affirmative and sixty-nine in the negative, with twenty-six being absent, the motion does not prevail.

Mr. Martin of Eagle Lake offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-816) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I have discussed this with the chairman of the committee and a number of other people, and basically, as you will note from the amendment, the purpose is to balance the appointive power between the leaders of the two bodies in each of the Houses of the legislature and it seems that this is a workable compromise if it is accepted.

Thereupon, House Amendment "A" was adopted.

The bill was passed to be engrossed as amended and sent to the Senate.

All matters acted upon in concurrence and all matters requiring Senate concurrence were ordered sent forthwith to the Senate.

The Chair laid before the House the

third tabled and today assigned matter:

Joint Order: (S. P. 956) Relative to Study by Legislative Council in regard to Revised Statutes, Title 36, Sections 451, 452 and 453.

Tabled — March 26, by Mr. Simpson of Standish

Pending — Passage

The SPEAKER: The Chair recognizes the Gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: When this order appeared before us yesterday, I asked the question of someone as to where it came from and why the study was necessary. At this point, I have not heard a word and in the interest of saving money, I move that this order be indefinitely postponed.

Thereupon, the Joint Order was indefinitely postponed in non-concurrence and sent up for concurrence.

The Chair laid before the House the fourth tabled and today assigned matter:

Bill "An Act Extending Bargaining Rights to State Employees" (S. P. 817) (L. D. 2314) (C. "A" S-401) (S. "C" S-413) (S. "D" S-435)

Tabled — March 26, by Mr. Martin of Eagle Lake

Pending — Motion by Mr. McTeague of Brunswick that House Amendment "B" (H-813) be indefinitely postponed. (A Roll Call requested)

Thereupon, Mr. McTeague of Brunswick withdrew his motion to indefinitely postpone House Amendment "B".

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House; I move that this matter be indefinitely postponed. I may, with further edification, be willing to withdraw my motion also, but after the discussion yesterday, I went through the bill and looked at it and tried to figure out when negotiations would commence if this particular amendment we are not adopting, and what does the commencement of negotiations mean? It seems to me that if this amendment

were adopted, the management side could at least make a very good case, but they didn't have to do anything until January 1, 1975, including working on appropriate units.

Usually in collective bargaining there are two ways that units can be determined and by units for people not familiar with collective bargaining, that means the groupings, the various groupings of individuals who bargain together for a particular contract. There are two ways that that can be done. One is by voluntary recognition where the management side agrees to what the labor organization puts forward as to the constitution of a unit. The other way that a unit can be determined is by bargaining it. I suggest that there is no agreement in terms of appropriate bargaining units, that the matter of who will be in the unit is, in fact, bargainable, that process is called negotiations and that might not be able to start until January 1, 1975. Consequently, you would not be able to be at the table bargaining substantive issues until the other determinations were taken care of and that could take as long as two or three months.

So, if anybody has any further interpretation of what this particular situation is, I would be interested in hearing it, but I think at this point I am right.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: This is a very, very important issue in this session of the Legislature in its last days. I believe it is a nonpartisan issue and I think that is pointed up pretty much by the initial vote on it. That initial vote also showed me that the all too prevalent problem of lack of knowledge exists. I feel that many of us, myself included, failed to read the bill and even if we did, I doubt very much if we could understand what the terms mean.

The gentleman who just spoke, Mr. Bustin, is obviously very familiar with the terminology, and well he should be, because that is his profession.

I would just direct your attention to page two of the bill, 2314, item 3. There is

an item that I can understand. This says cost items; cost items means provisions of a collective bargaining agreement which requires an appropriation by the legislature. I think all of you people can understand what that means, an appropriation by the legislature. So right away, it is pretty evident that this bill is going to have something to do with what this legislature does for a good many years to come; hence, its importance.

Now, the good gentleman from Lewiston frequently mentions the future. He mentions the possible lack of money, the necessity to increase taxes, and so forth. That is exactly what we are talking about when we talk about costs. I think we have got to face the fact that these costs at the present time are unknown and may be unlimited. A case in point, I don't know enough about this sort of thing to say whether or not it is valid, but in the KJ today, on page 24, there is a case that was settled where the board finds that the action of the legislature was in fact the reason for a certain dismissal and I know this was without merit and should be disregarded. Hence, the gentleman in question was to receive about \$6,000 in back wages in addition to his reinstatement. I don't know if these are bargainable things or not, I don't know if that is germane to this argument, but that \$6,000 which it says the legislature was involved in.

I am sure that I don't understand specifically the implications of compulsory bargaining versus voluntary negotiations. This concept seems to be well established as far as bargaining in the world of commerce. Of course, it makes me kind of sad to see it coming into the public sector, because it seems to me that it breeds confrontations, school teachers confronting school boards, municipal employees confronting boards of selectmen. I really can't believe that the public sector has intentionally oppressed, coerced, or subjugated its employees. Maybe it has been a little slow to react at times. The benefits have progressed mightily in the last few years, roughly paralleling their private sector and in some cases even exceeding it. Be it as it may, rightly or wrongly, we

have now, according to our vote, accepted the concept that bargaining is what we want to do. Okay, if that is the case, let's have these confrontations. Let's get the rules right, so that both sides are relatively even.

Yesterday afternoon, the gentleman from Livermore Falls, in the debate, asked some excellent questions. I don't think those questions were answered. The record isn't yet available, so I hope that the gentleman can remember those questions and repeat them. I urge you to listen to the answers, but be sure that the answers come from factual background.

Now, ladies and gentlemen of the House, fortunately we have among us another gentleman who is pretty well versed in bargaining, and he has been a voice crying in the wilderness up to now. I am speaking of the gentleman from Cumberland, Mr. Garsoe. He too, as is the gentleman from Augusta, Mr. Bustin, is a professional negotiator. He does understand the meaning of the terms, and he knows what the state faces as we start down this road. As far as I am concerned, he is the best resident expert available to us on the management side, which is the state's side, which is this legislature's side. Others may speak and rhetorically get emotional, but I hope to hear some facts.

Yesterday we started a headlong chaotic situation; today let's put on the brakes and get some facts. I hope no one wants the state to get in confrontation with both hands tied behind its back. I can't discuss the merits, most of us can't, probably that is. I hope the gentleman from Livermore Falls will repeat his questions. I hope they will be answered, and I implore you, ladies and gentlemen of this House, to listen to the gentleman from Cumberland as he points out the shoals and rough waters ahead. Now, he may have to be on his feet too long and too often, but I hope he will not be discouraged. As far as I am concerned I want to learn all I can from some people who know, the gentleman from Augusta, Mr. Bustin, and the gentleman from Cumberland, Mr. Garsoe, what is in the best interest of the people of Maine.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I really don't think I am going to have to be on my feet too long. I see no hazard to him whatsoever. I would differ with him that this should be decided on the basis of who is right and who is wrong. It should be decided on the basis of what the language says in this amendment. I would call your attention to the Statement of Fact where it says, "The purpose of this amendment is to allow sufficient time for the State as an employer to prepare for the negotiating process." What it does in Section 979D on page 4 of L. D. 2314, is stipulate that the bargaining process shall be in on and after January 1, 1975. Now if you will turn to 979E, which is completely unaffected by this amendment, you will find the process laid out as to how bargaining units are going to be determined.

I will insist that the gentleman is taking a debatable tack when he says that the process of determining bargain units is negotiations. It is a technical matter. True, there has to be involvement on the part of the two sides of the table, but it is under the control and direction of the Executive Director of the Public Employees Labor Relations Board and it is decided exactly as laid out in the statutes.

As I say again, if this is the only objection the gentleman has, that he feels this throws into some doubt the effective date of this legislation, and if my statement what this amendment does fails to satisfy him, I would hope this body would adopt my amendment and I will then provide further language that will specifically state that it is the intent of this amendment that this act become effective in the normal course of events; namely, 90 days after this legislature adjourns, which should be around July 1.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I have no objection to collective bargaining. The only thing I am interested in is that the process is not speeded up to the extent that the employees are prepared to sit down and bargain before the state

is prepared and has acquired knowledgeable help in the bargaining area. That is something they are going to have to do, get the expertise to represent the state.

Now, under 979F, I don't see any reason why they couldn't proceed with that section in determining their units. That process is initiated by the employees, and I think they can go ahead. I only want the state to be prepared to sit down to bargain when they are thoroughly represented by competent staff.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: Just once more, ladies and gentlemen. Evidently my explanation does not satisfy the gentleman from Augusta. I would just say to you once again, I hope you heeded the advice of the gentleman from Lewiston last night, that you thought about this over the evening as being an orderly process that we are asking for.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think I would be interested in an explanation from the gentleman from Cumberland, Mr. Garsoe, that if there is a dispute as to appropriate units within the state employees, how does he expect that to be taken care of if this amendment passes?

The SPEAKER: The gentleman from Augusta, Mr. Bustin, poses a question through the Chair to the gentleman from Cumberland, Mr. Garsoe, who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I have got to say again that I see no threat to that process whatsoever. This amendment addresses itself only to Section 979-D and the rest of the act is going to become effective in the normal process of our ordinary legislative intent; 90 days after this body adjourns this law goes on the books. The narrow section that brings the people to the table to pick up the process of collective bargaining is going to be implemented on January 1. Every

other aspect of it goes into effect 90 days after this legislature adjourns. The matter that the gentleman refers to is not, I suggest, truly a negotiating process. It is merely a technical matter of setting up the bargaining units. This poses no threat whatsoever to that.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: Having sat on that labor committee with my good friend Mr. Garsoe here, I fully realize that we will pass this. It has been passed and will be signed, but by the same token, you can't jump into these things headlong without some preparation and I don't think this is really hurting this bill at all by giving time to get the right people who have the knowledge and the capabilities, and this is not a long wait from now until January 1. That will give us time to select the proper personnel. I believe Mr. Garsoe is right on this.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Bustin, that House Amendment "B" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

22 having voted in the affirmative and 77 having voted in the negative, the motion did not prevail.

Thereupon, House Amendment "B" was adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

The following matters appearing on Supplement No. 2 were taken up out of order by unanimous consent:

From the Senate: The following Joint Order: (S.P. 962)

WHEREAS, the records of this State reveal solemnization of 11,794 marriages and granting of 4,133 divorces in the year 1972; and

WHEREAS, these figures reflect an alarming rise in the rate of divorce along with the many problems and costs associated thereto under existing law; and

WHEREAS, the State has a responsibility to strengthen and

preserve the integrity of marriage and safeguard family relationships; now, therefore, be it

ORDERED, the House concurring, that a special commission be constituted and appointed to supervise the preparation in final legislative draft form, of proposed changes or additions to provisions of the Domestic Relations Law dealing with marriage, rights of married persons, parents and children, desertion and nonsupport, adoption, judicial separation, divorce and annulment and change of name, such proposed revisions to be presented to the regular session of the 107th Maine Legislature. Such proposed revisions shall include all such changes, additions and redrafts as are deemed appropriate by such commission particularly pertaining to the laws relating to divorce and domestic relations, including, without limitation, revisions to sections of the Revised Statutes, Title 19, and revisions to any other Titles and sections of the Revised Statutes, pertinent to providing adequate and comprehensive laws relating to said topics. Such revisions may, without limitation, incorporate such necessary repealers, amendments, additions and modifications of existing laws as, in the judgment of such commission, may be deemed necessary and appropriate to accomplish such purposes, and may include proposals for legislative enactments relating to said subjects, whether now existing or hereafter created. Such revisions may include such new or modified provisions as, in the judgment of the commission, will best serve the interests of the people of the State of Maine, and the commission may give due consideration to the domestic relations laws of other states, and requirements for enforcement thereof, and to the appropriate regulatory and administrative requirements on behalf of the states involved. Such commission may hold such public hearings as may be deemed necessary or appropriate to acquaint persons interested in the commission's work with its proposals and recommendations, and the commission shall have full access to all of the records of the State for the purposes of its investigations. It is the purpose and

intent of this Order to provide such commission with sufficient authority and funds to enable it to carry out the foregoing purposes; and be it further

ORDERED, that the membership of the commission shall be constituted and appointed as follows: One member shall be a Member of the Senate in the 106th Maine Legislature, to be appointed by the President of the Senate; 2 members shall be members of the House of Representatives in the 106th Maine Legislature, to be appointed by the Speaker of the House, and 2 additional members shall be appointed by the Governor, with the advice and consent of the Executive Council. The Commissioner of Health and Welfare and the Attorney General shall serve on the commission in an advisory capacity only. Each member shall serve until the commission shall have completed its work, or until his prior death or resignation. In the event of the death or resignation of any member, his place shall be filled, upon written notice thereof from the commission, by the then President of the Senate, Speaker of the House, or Governor, as the case may be, in the same manner as with respect to the original appointment; and be it further

ORDERED, that said commission shall be appointed promptly upon passage hereof, and the Governor shall notify all members of the time and place of the first meeting. At that time the commission shall organize, elect a chairman, vice-chairman and secretary-treasurer, adopt rules as to the administration of the commission and its affairs, which rules shall require a minimum of 30 days' notice of any public hearing to consider one or more aspects of the laws or prospective laws to be considered by the commission and which rules shall require that all proposals shall be transmitted to each participant which shall have recorded its desire to receive and willingness to pay for the costs of printing and mailing same, and thereafter shall meet as often as necessary until its work is completed. In all matters as to which there is a disagreement, a majority vote shall prevail, and a quorum shall consist of at least 3 members. The commission shall maintain minutes of its meetings and

such financial records as may be required by the State Auditor; and be it further

ORDERED, that the commission may hire on a contractual basis the necessary qualified persons who shall have the responsibility for financial review and legal research and drafting required in connection with the preparation of the proposed revisions to the Law of Domestic Relations, under the direction and supervision of the commission. Persons, whose services are contracted for, shall, by virtue of prior training, experience, ability and reputation, have clearly demonstrated the ability to perform tasks to be assigned to him by the commission; and be it further

ORDERED, that the members of the commission shall serve without compensation, but may be reimbursed for their reasonable expenses in attending meetings, procuring supplies, clerical services, correspondence and other related and necessary expenditures; and be it further

ORDERED, that there is appropriated from the Legislative Account the sum of \$5,000 for the fiscal year ending June 30, 1974, to carry out the purposes of this Order. Any unexpended balances shall not lapse, but shall remain a continuing carrying account until June 30, 1975.

Came from the Senate read and passed.

In the House: The Order was read.

The SPEAKER: The Chair recognizes the Gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I read this, what now appears to be a four page order. I am somewhat concerned with the purpose of it, the broadness of it and the amount of money that goes with it and I move for indefinite postponement of it.

Thereupon, on motion of Mr. Martin of Eagle Lake, the Joint Order was indefinitely postponed in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

Bill "An Act to Clarify the Power of the Commissioner of Maine Department of

Transportation and the Chief of the Maine State Police to Lower Speed Limits in Order to Provide Energy Conservation" (H. P. 1857) (L. D. 2350) (H. "B" H-705) Emergency on which the House insisted on March 26 on their action whereby the Bill was enacted on March 4.

Came from the Senate with the Bill passed to be engrossed as amended by House Amendment "B" (H-705) and Senate Amendment "C" (S-445) in non-concurrence.

In the House: The House voted to recede and concur.

Resolve, Permitting the County of Kennebec to Expend Money for Public Ambulance Service (H. P. 2037) (L. D. 2572) (S. "B" 2-418) (S. "C" S-424)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I will again try to make one attempt to do justice to this piece of legislation. I call on your sense of fair play and justice in this case.

This bill clearly is discriminatory insofar as federal revenue sharing funds are concerned. Now, the opinion given by the Attorney General's Department, and I shall read it again, "The federal law relative to revenue sharing is to provide funds from the federal government for the benefit of a whole," I repeat, "a whole governmental unit, whether it is a municipal, county or state." We are clearly a people of laws, and what I have just read pertains to the federal law. Whether we like it or not, we should abide by it. At least I will attempt to abide by it anyway, and I hope that you will put your emotions aside on this and take a look at this bill on a rational basis.

I went back to the Attorney General's Office, Deputy Attorney General's Office, following yesterday's proceedings and had a chat with him. What we were told by my good friend from Augusta, Mr. Brown, was true, the portion that made this bill unconstitutional insofar as the state is

concerned was no longer in existence once we adopt this amendment.

However, it didn't go quite far enough, because the problem that we will create by the passage of this bill will far exceed the benefits that we will derive from it.

This is not the proper vehicle to solve or we are attempting to solve here. First of all, this bill allocates federal revenue sharing funds for ambulance services at both ends of the county. Now, I explained to you yesterday that in northern Kennebec the ambulance service goes across county lines, and the same applies at the southern end of the county. The ambulance services go into Sagadahoc and Lincoln Counties.

Now to validate this problem that exists, we contacted Washington and spoke to Assistant General Council for Revenue Sharing, a gentleman by the name of Andrew Cox, I spoke to him this morning. This is the answer that we got. If the bill meets the following two tests, it definitely is discriminatory. The first rule is, is the service provided, that is outside of the county, is the service provided incidental or primary? In this case the service is primary because in the northern end of the county we have three hospitals, all located in Waterville, as has been pointed out to you before. The people in Somerset County, namely Fairfield and Shawmut, are dependent on this service so, therefore, the service is primary.

The second question is, by providing the service outside the county, will it deprive people or taxpayers within Kennebec County from this service? And the answer again is yes, because we only have one ambulance and it can't split itself in two.

This bill clearly is discriminatory insofar as the funds are concerned and I agree that it is a problem, but this is not the way to solve it. The Attorney General Office agrees with me. I didn't have a chance to get it in writing, because they are pretty busy, but you can be assured, I am not just trying to kill this bill. If we put it to rest this afternoon, I will put an order in to study the problem. If it should be reported out to the 107th and if the service is necessary, it has to be done on a statewide basis to avoid these pitfalls. Now, the only proper thing to do this

afternoon is to kill this bill, and I hope that you will not look at it on an emotional basis but look at it from a rational point of view and kill this bill. Mr. Speaker, I make the motion that we indefinitely postpone this.

Mrs. Knight from Scarborough requested a roll call vote.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Brown.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Winslow has indicated that he does not desire to kill this bill, and yet we have debated it extensively on three different occasions and here we are this afternoon.

I suspect that one of the things which Mr. Carter is getting into, by checking with the revenue sharing people in Washington, or going back to the Attorney General's Office, is the application of these funds and the manner by which the county commissioners of Kennebec County would execute this resolve or carry it out. I don't think that we can fight every single shadow which may be raised in one form or another. I think basically our job is to provide the general authority and then let them, with their own attorneys and council, also conferring with Washington, work out this problem. I hope you oppose the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker and members of the House: What I am speaking of is not about shadows. I have been assured that if we pass this bill and it is not vetoed on the second floor by the Governor, it will end up in court, and when this happens the services that are being provided to the residents of Somerset County will be cut off, and the same will happen to the Sagadahoc people and the Lincoln people. I would hope that you would go along with indefinite postponement. Two wrongs don't make a right.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker, Ladies

and Gentlemen of the House: Very briefly let me just say this, what will happen if we pass this legislation is easy to explain. We will be upgrading this public service which has come under great criticism during the past two years. I have news clippings in this book from October 2, 1972, which indicate the amount and intensity of interest in Kennebec County for a public ambulance service, and more precisely, quality emergency care service. So I would ask you to vote no on the indefinite postponement.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Winslow, Mr. Carter, that the House indefinitely postpone Resolve, Permitting the County of Kennebec to Expend Money for Public Ambulance Service, House Paper 2037, L.D. 2572 and all accompanying papers. All in favor of that motion till vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, G. W.; Berube, Binnette, Bither, Boudreau, Bunker, Carrier, Carter, Chick, Cooney, Crommett, Curran, Dam, Dunn, Farley, Faucher, Ferris, Finemore, Greenlaw, Jalbert, Keyte, LaPointe, Lawry, Lewis, J.; Lynch, MacLeod, Mahany, Martin, McKernan, McNally, Rollins, Smith, S.; Snowe, Talbot, Trumbull, Willard.

NAY — Ault, Baker, Berry, P. P.; Birt, Bragdon, Brawn, Brown, Bustin, Cameron, Carey, Chonko, Churchill, Clark, Conley, Cottrell, Cressey, Curtis, T. S., Jr.; Davis, Deshaies, Donaghy, Dow, Dunleavy, Dyar, Farnham, Farrington, Fecteau, Fraser, Gahagan, Good, Goodwin, H.; Goodwin, K.; Hamblen, Hancock, Hobbins, Hoffses, Huber, Hunter, Jackson, Kauffman, Kelley, Kelley, R. P.; Kilroy, Knight, LaCharite, LeBlanc, Lewis, E.; Maddox, Maxwell, McHenry, McMahon, Merrill, Mills, Morin, L.; Morin, V.;

Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Parks, Pontbriand, Rolde, Ross, Shaw, Sheltra, Shute, Simpson, L. E.; Sproul, Stillings, Susi, Theriault, Trask, Walker, Webber, Wheeler, White, Whitzell, Wood, M. E.

ABSENT — Albert, Briggs, Cooney, Cote, Drigotas, Dudley, Emery, D. F.; Evans, Flynn, Garsoe, Gauthier, Genest, Herrick, Immonen, Jacques, Kelleher, Littlefield, McCormick, McTeague, Morton, Perkins, Peterson, Pratt, Ricker, Santoro, Silverman, Smith, D. M.; Soulas, Strout, Tanguay, Tierney, Tyndale.

Yes, 36; no, 81, Absent 32.

The SPEAKER: Thirty-six having voted in the affirmative and eighty-one in the negative, with thirty-two being absent, the motion does not prevail.

Thereupon the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following tabled and later today assigned matter:

An Act Providing Funds for Maine Vacation Travel Services (S. P. 952) (L. D. 2604)

The SPEAKER: The pending question is on the motion of the gentleman from Bar Harbor, Mr. MacLeod, that the House reconsider its action whereby this Bill failed of passage to be enacted as an emergency measure. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

86 having vote in the affirmative and 27 in the negative, the motion did prevail.

Thereupon, Mr. Churchill of Orland requested a roll call vote on final enactment.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I think I would like to sum this up very quickly. I have nothing against the tourist industry. My problems seem to come into other areas. Going through the summation of the budget, DCI has in for the past three years for ads and shows a grand total of \$484,790 with Part I appropriation of \$165,960. Take your

vacation and travel, which is another section of that, they had \$47,415, with a Part I appropriation of \$7,900. They had nothing in the supplementary budget on either of these categories and I think these two categories both might touch on the subject we are discussing. Suddenly we need \$1,500 for a crash program to be given over the DCI to spend. I understand the promises exist that the Maine tourist industry will have a say how the money is spent, but nothing in this bill legally guarantees the input of the tourist industry to DCI's thinking. I would like to see something like this.

It has been quoted that Canada has a very good promotion program. I would point out to you though that Canada has spent millions of dollars over many years, much of it federal money, some of it provincial, but most of it federal, and has a very good program. In other words, they built up to a peak. We are trying to build up to a peak with a small amount of money at the last minute. I think we should consider what the money will do and remember that we are in the hole by about \$300,000 right now in the legislature. It may well be a question of too little money too late. I think that we should consider in voting this that there has been a great deal of lobbying by the DCI for this money, and I just personally would like to see greater safeguards and know where this money is going. I would like to see greater guaranteed input from the tourist industry in how this money is spent. And I point out to you, it is \$150,000, and in 1975, I hope, if we do vote this, we will be able to show some real profit for it and it won't be just that much money poured into a governmental department to disappear.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: The very fact that the gentleman has mentioned that only forty-seven thousand odd dollars has been used in the DCI's budget for an industry that is producing revenue upwards of \$500 million and possibly \$600 million here in the State of Maine is just the very reason that we are in here with a \$150,000 request,

especially at a time when the industry and the people of the State of Maine do not know what is going to happen. We have tried for a number of years to get a fixed budget in this state capital to try to protect this industry which is producing revenues on your state sales tax and also on your income tax. And we all know that we sat here for 11 long weeks not knowing what our revenue situation is going to be for the future and God knows who is going to be here to pay the bills or how they are going to be paid in the 107th when it comes in the session — a new Governor.

We have tried for years to get input in the DCI, and I think we have finally reached a meeting of the mind where we are starting to get some cooperation and get away from the kick they have been on over there, trying to sell industry to the State of Maine, which goodness knows I think that we should have, but we can't neglect an existing industry here. If we can go to Aroostook County and spend, as the gentleman from Standish has said, eight or nine hundred thousand dollars to spray the budworm that comes in here automatically every session and has to be done before June as an emergency measure, we certainly can find somewhere in the House this money to try to get started with a realistic budget for the tourism industry in the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the gentleman from Solon, Mr. Faucher. I know that he is in the tourist business and I notice that he opposes this and I would like to hear his reasons why.

The SPEAKER: The gentleman from Old Town, Mr. Binnette poses a question through the Chair to the gentleman from Solon, Mr. Faucher, who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. FAUCHER: Mr. Speaker, Ladies and Gentlemen of the House: I believe that if we give this Department of Commerce and Industry \$150,000, it is liking throwing it down the drain. I believe that this industry should be

subsidized more than any other industry is. I have a lot of friends in that business, friends of mine, but I told them five, six or seven years ago that they are over-pricing the people. When you go on the coast, nothing wrong with the coast, but when you have to pay \$35.00 or \$40.00 a night for a room for two people to sleep, I believe they are over charging the people and they are out pricing themselves. I hope you go along against this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I would hasten to assure the gentleman from Standish, Mr. Simpson, and other members of the House, that this Representative from the towns of Freeport, North Yarmouth and Pownal, is fully aware that money doesn't grow on trees. It is my fervent hope, however, should this bill prevail positively on the floor of this House this afternoon or evening, or whatever it is, that the \$150,000 be spent in Maine for Maine, and if contracts are issued, that they be issued to Maine industry.

The SPEAKER: The Chair recognizes the gentleman from Camden, Mr. Hoffses.

Mr. HOFFSES: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the gentleman from Solon, Mr. Faucher. How did the gentleman from Solon, Mr. Faucher, vote in regards to the Spruce budworm?

The SPEAKER: The Chair would indicate that the question is not relevant.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: While we are quibbling over this \$150,000, we had the decision over at the Augusta Civic Center today. I am talking about \$360 million that has been delayed by a judgment or opinion rendered by the Attorney General of this State, which will leave Washington county with nothing but tourism. I would like to get some of the \$150,000 down there to offset the \$360 million we are going to lose.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Willard.

Mr. WILLARD: Mr. Speaker, Ladies and Gentlemen of the House: I believe that if you don't pass this bill, we will be pennywise and pound-foolish. I think we had better throw a little more money into the pot and get back a lot more.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: One of Maine's industries is the tourist industry. It affects every county in Maine. The problems arise through the energy crisis, not knowing what this summer will bring. If I recall, they say it is a four, five, six hundred million dollar business. How are we, as responsible legislators, not going to allow any way of trying to correct the situation that might be too poor business in Maine this Summer.

I hate to stand here and say, a \$150,000 of advertising through the Department of DCI is the answer. I hate to say that I am going to be responsible and ask you to vote for this and not know exactly will it be productive or not? But I am saying this, in the neighboring province to me, the Province of New Brunswick, there is \$2 million or \$3 million spent annually on their tourist industry. Somewhere we have got to start showing some of our funds going in this direction to keep this very fine business in Maine alive. I would ask you — we had what about 95 or 96 votes — we can take the emergency bill off this and it can come back and it can be passed, but that is not the point. We need it for this summer, and every one in the tourist business needs it for this summer. I hope you won't just say, close the door; we don't care what you do for business this summer. We don't care how the energy crisis affects you. I hope you say, let's let Maine continue to be the Vacationland that is on our license plates and I hope this passes today.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I still have some mixed feelings and misgivings about this bill and in between the time we debated this a couple of hours ago, I have had an opportunity to

talk with the gentleman from Bar Harbor, Mr. MacLeod, and perhaps have had the reasons for the funding of this bill explained to me more in depth. I call your attention to page 2 of L.D. 2604, which indicates that it is the intent of this legislature for these funds to solely float a four season economy for Maine's Vacation Travel industry. So we are not only talking about the tourist season this summer, we are talking about a 12-month project, yearly project.

I think my concern about this expenditure or appropriation of \$150,000 is that we have some kind of a hold or some kind of a knowledge of how these funds are going to be expended. I haven't, honestly, had any explanation to that question to date. If someone could give me an idea of how these funds are going to be expended, then I might change my mind on this matter.

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, poses a question through the Chair to anyone who may answer if he or she wishes.

The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: First of all, if any of you have been reading the papers over the years, especially the last few months and so forth, I think most of you will find that I haven't been one who has been totally in love with Commissioner Keefe or his policies, especially as it relates to some of his promotional activities.

We had quite a meeting over there a short while ago relative to a program that he wanted to put into this particular legislature, which would have increased the sales tax by one half or one percent and place it on the restaurant and lodging industry in the State of Maine. I believe the lodging people in the State of Maine would have supported that type of a concept of taxing themselves; however, the restaurant people in the State didn't particularly want to and I don't blame them. Not all their business comes from the tourist business. When you go today, say, if you went over to the Senator and had lunch, chances are that most of the people eating in that place were Maine people who eat in there because they work around here.

Therefore, these people didn't feel as though they wanted to tax their clients, and I don't blame them.

I think we have come to the meeting of the minds with the program that they have there, and I am certainly not in love with the "Me" program that they have had. This is stop-gap measure. We tried to put into the bill the terminology says he won't use it for heavy industry, it will be used for a four-season economy. We are looking forward to the fact that we don't want him to spend it all this summer. We would like to see him save some money so that the skiing industry can be once again promoted in the fall, so they don't have a season like they did this year. Lo and behold if they do have that type of a year, I think the State will be in serious trouble with some bad mortgages.

I talked with the officers of Maine's largest savings bank relative to how they were going to view the mortgages they are holding right now on many of the seasonal property, especially in the ski areas. Quite frankly, they are carrying those mortgages. They couldn't meet them this winter and rather than foreclose on them and force them under, the banks are carrying them, and I think we ought to accept that and realize that fact.

As to an input, I know the gentleman from Solon, Mr. Faucher, has some very strong feelings on this. He would like to see it go to another association or have it go to somebody else. I don't believe it is wise. I would question the constitutionality of it. It was questioned before in a bill I had last year relative to us giving funds directly into a private group and so forth and letting them handle it. We have the Mark Mainer's; it is an advisory council at DCI, and they have assured the industry that they, along with representatives of the industry, will have some input as to how the funds are going to be used. They will not be used on a matching fund basis because there is just no way that you can do it. It will be used primarily for promotional activities outside the state.

As far as the gentlewoman from Freeport goes, I believe that the public relations firm that they have hired over there to meet the qualifications and the

bids and so forth, I happen to also agree that we want to keep as much business in Maine as we can, and those of us in the industry went to the commissioner and told him we would like to have an advisory committee to accept the firm that is going to handle their public relations. That committee was established, and therefore it was an independent committee that took a look at it, and even though I dislike their "Me" program, there was not a firm in the State of Maine or out of the State of Maine that could really come any where near their qualifications of what they can do.

It is impossible to advertise in Boston, on TV in Boston, or TV in Montreal, by doing business with a firm in Maine. You have got to go to Montreal, you have got to place your ads there, you have to place your ads wherever you are going to do it.

This is not an exorbitant amount of money. I think it is a fair amount of money. It is a stop-gap measure. In fact, I will tell you that there is some recommendations in the report that is coming out that I would like to have seen in time to implement during this session. It couldn't be done, but I think when it comes out, the next session, we will handle it and I believe then that many of the projections of the people with the Department of Commerce and Industry and how this measure is being handled, coupled with the Longley Commission Report, to do away with DCI, I think we will have a good operation in years to come.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to direct a brief question to anyone who can answer it. I would like to see or hear of some kind of an outline of how this money will be spent. As you know, the advertising is very expensive, magazines, full-page ads can run well over a \$1,000. How is this money to be spent over this two-year period?

The SPEAKER: The gentleman from Yarmouth, Mr. Jackson, poses a question through the Chair to anyone who may answer if he or she wishes.

The Chair recognizes the gentleman from Orono, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I am in no position to answer the question, but I would like to ask one more question and whoever answers it can answer the gentleman's question too. The question is, will any of this \$150,000 be spent for personnel in this department?

The SPEAKER: The gentleman from Orono, Mr. Curtis poses a question through the Chair to anyone who may wish to answer.

The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I will try to answer some of these questions and put them in their proper light if I can. At this particular time, I don't think you can take this \$150,000 and break it down and say a \$100,000 is for advertising in Quebec, Montreal or some place like that. There is no personnel in this bill. This is strictly a budget item to be used by a department with some input from the travel and resort business around the state in trying to get some measures going in the way of an advertising program and maybe some for advertising and may be some for entertaining or a dozen different items. What do you do?

We push through orders here for \$60,000 to study something. We don't earmark every dime where it is spent. I can't picture a state as large as ours to be in competition with Canada and Florida and some of the other competing states that has got an industry as large as this, that you want to nitpick on a \$150,000 appropriation and find out where every dime of it is going to be spent at this late stage in the game.

Right now the motel and restaurant people have, on their own this winter, gone out and solicited and got more bus tours booked in the State of Maine already for this coming summer than they have ever had before, figuring that these would appeal to people who are unable, if they couldn't get gasoline, to get up here in automobiles. We have also had a band of people on the road this winter. They are scheduled to go into New Brunswick, down to Nova Scotia, to

try to tie in with some of the programming of what these folks are doing because we know they have unlimited amounts of gasoline. We also have had people out on the road this winter, down in the Connecticut area, up to Montreal, into Quebec, a little item that we did the other day for information, it isn't very big. We had some kids from the University of Maine that were in a sculpturing contest at the Quebec Winter Carnival. We understood that the University of Maine students won it last year. They were in a national contest with people from all over the world. Japan airlines sent students up there to Quebec to sculpture in the ice. Our kids were going up looking ragtag, so we were able to scrounge a little money for this deal out of the benevolence of the Governor's Council and the Governor to send these kids up there with some uniforms and jackets. This is the type of thing we are trying to do in the State of Maine.

For heavens sake, we need the money. it isn't just for tomorrow's dollars. You have got a fall business built up in this state now that is just out of this world, ask anybody from Kittery to Calais or northland or wherever you want to go. When those trees come out, they are just as pretty as over in Massachusetts, Vermont, or New Hampshire. We sat here idly for years. We tried to push this back in Governor Reed's time. They came out with a colored brochure, finally, that said that Maine had some colored trees. This is what we are trying to do, not for tomorrow, but for next week, next year, next winter, and so on, and I would like to see this \$150,000 in there for every ensuing biennium or season as it comes along. Not just today, gentlemen and ladies, but let's get on the ball, here in Maine and protect what you have got. It is good; it is moving, and let's keep it alive, but you have to be realistic today. They spend more money down on Cape Cod, on a budget for Cape Cod alone, than we do in the State of Maine for our total tourist industry.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Cottrell.

Mr. COTTRELL: Mr. Speaker and Members of the House: All of us from

Portland try to represent everybody in Portland. I am going to stand up here this afternoon and put my little voice in for the great motels and hotels that we have in our region. I am not going to name them; you all know what they are.

But you know, a hotel doesn't make its money on local banquets or the booze it sells. The hotel makes its money on room rent, and those big hotels that we have in Portland have to get their rooms occupied.

I know probably their advertising budgets are a great deal more than the Maine advertising budget, but I think they would appreciate it as a great gesture that we appropriate \$150,000 to try to get more people up here through Portland, through all the areas. I think they would appreciate this gesture of ours, here in our own state to try to help this great industry, which is the second largest industry in our state, help it in these sort of uncertain times.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Like the gentleman from Standish, Mr. Simpson, I am not particularly known as a fan of the Department of Commerce and Industry, but I am going to support this bill today, and not necessarily because York is a tourist town. In fact, most of the businessmen in my town are looking forward to a rather good summer because York is only 60 miles from Boston, and we feel that people will, whether there is or isn't a gas shortage, will be coming down to our town. But that does not relieve me, I feel, of the responsibility of worrying about tourist facilities in the rest of the state.

I also wonder if, for example, we do have problems with gas, if the rumor goes out to other states that there is no gas in Maine, and this is not a true rumor, how are we going to counteract that if we don't have some funds in the department to counter these sort of arguments. So I hope you will go along with this bill and pass it today.

Mr. Jackson of Yarmouth was granted permission to speak a third time.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I think I have accomplished what I set out to do. I

think you are all aware of the amount, and I think you are aware that it is going into commerce and industry. I think you are aware that it didn't go the regular budgeting procedure, it was a separate bill.

I hope you will all vote for it and that it will pass, but I hope that in 1975 and up until then you will be watching where this money went and you will be considering the whole thing, so the next time you are in the legislature, you will be able to better judge how this can be done to help the tourist industry.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I don't know how many of you people have a chance to travel the roads of the state, but what I am thinking about in this bill here, some of this money can be used to promote a project that is going on in the State of Maine, and I will be quite blunt with my words. I am talking about the French Canadians who come down out of Canada every year and converge on Old Orchard Beach. If you ever stood on the bridge over at St. Steve and saw the caravans coming down from the Gaspe Peninsula going to Old Orchard Beach or go up on Route 1, up there at the Houlton line, Aroostook line, and see them coming down through there and converging on Old Orchard Beach, these spend money the whole length of the state, and I don't believe in handling this thing in a picayune fashion. I think we should cater to these people, because somebody gets a piece of the action all the way along the roads.

The SPEAKER: The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: This season especially, I don't think we should be living in a shell. I think we should be spending this amount of money to advertise our advantages and attractions in the State of Maine, and I simply want to say that I will support the \$150,000.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAWN: Mr. Speaker, Ladies

and Gentlemen of the House: I would be in favor of this bill if I didn't think it was going to be like some of the other money we had to increase office force and then raise the fat cats salary rather than give it where we intend it. I have seen this happen in some of our other divisions.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on passage to be enacted of An Act Providing Funds for Maine Vacation Travel Services, Senate Paper 952, L. D. 2604. This being an emergency measure, it requires a two-thirds vote of the entire elected membership of the House. All those in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Birt, Bither, Boudreau, Bragdon, Brown, Bunker, Bustin, Cameron, Carrier, Chick, Churchill, Clark, Conley, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Drigotas, Dudley, Dyar, Evans, Farley, Farnham, Farrington, Fecteau, Ferris, Finemore, Fraser, Gahagan, Garsoe, Genest, Good, Goodwin, H.; Greenlaw, Hamblen, Hancock, Hobbins, Hoffses, Huber, Hunter, Jackson, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McNally, Mills, Morin, L.; Morton, Murchison, Najarian, Norris, O'Brien, Palmer, Parks, Peterson, Pontbriand, Rolde, Rollins, Ross, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Snowe, Sproul, Stillings, Susi, Theriault, Trask, Trumbull, Twitchell, Walker, Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.; The Speaker.

NAY — Binnette, Brawn, Briggs,

Carey, Carter, Chonko, Connolly, Crommett, Dow, Dunleavy, Dunn, Faucher, Goodwin, K.; Merrill, Mulkern, Murray, Smith, S., Talbot, Tierney.

ABSENT — Cooney, Cote, Donaghy, Emery, D. F.; Flynn, Gauthier, Herrick, Immonen, Jacques, Jalbert, Littlefield, McCormick, McTeague, Morin, V.; Perkins, Pratt, Ricker, Santoro, Smith, D. M.; Soulas, Strout, Tanguay, Tyndale.

Yes, 108; No, 19; Absent, 23.

The SPEAKER: One hundred eight having voted in the affirmative and nineteen in the negative, with twenty-three being absent, the motion does prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following matters appearing on Supplement No. 3 were taken up out of order by unanimous consent:

Non-Concurrent Matter

Bill "An Act to Authorize the City of Lewiston to Issue \$500,000 Bonds for the Construction, Original Equipping and Furnishing of a District Courthouse and to Authorize the City to Lease such Courthouse to the District Court of the State" (S. P. 888) (L. D. 2484) which was indefinitely postponed in the House on March 26.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-342) and Senate Amendment "C" (S-446) in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, I move we recede and concur.

The SPEAKER: The gentlewoman from Lewiston, Mrs. Berube, moves the House recede and concur.

The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker and Members of the House: Apparently what has been done is that the emergency has been stripped off and so had the referendum vote that was on there by committee action. While I won't fight the actions of the gentlelady from Lewiston

to recede and concur, I would ask for a roll call, and I would hope that you would vote against that motion.

The SPEAKER: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I didn't know there was an emergency attached to this.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentlewoman from Lewiston, Mrs. Berube, that the House recede and concur with the Senate. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Baker, Berry, G.W.; Berry, P.P.; Berube, Bragdon, Briggs, Brown, Bustin, Carrier, Carter, Chick, Clark, Conley, Connolly, Cottrell, Cressey, Curtis, T.S., Jr.; Dam, Davis, Deshaies, Donaghy, Drigotas, Dudley, Dunleavy, Evans, Farnham, Farrington, Fecteau, Ferris, Finemore, Fraser, Gahagan, Garsoe, Good, Goodwin, H.; Greenlaw, Hancock, Hobbins, Jackson, Kauffman, Kelley, R.P.; Kilroy, Knight, LaCharite, LaPointe, LeBlanc, Lewis, E.; Lewis, J.; Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McTeague, Merrill, Mills, Morin, L.; Mulkern, Murchison, Murray, Najarian, Norris, Palmer, Parks, Peterson, Rolde, Rollins, Ross, Shute, Silverman, Simpson, L.E.; Smith, S.; Snowe, Sproul, Talbot, Theriault, Tierney, Twitchell, Walker, Webber, Wheeler, Whitzell, Willard.

NAY — Ault, Binnette, Birt, Bither, Boudreau, Brawn, Bunker, Cameron, Carey, Chonko, Churchill, Crommett, Dow, Dunn, Dyar, Genest, Goodwin, K.; Hamblen, Hoffses, Hunter, Jalbert, Kelleher, Kelley, Lawry, McNally, Morton, O'Brien, Pontbriand, Shaw, Stillings, Trask, Trumbull, Wood, M.E.

ABSENT — Cooney, Cote, Curran, Farley, Faucher, Flynn, Gauthier, Herrick, Huber, Immonen, Jacques, Keyte, Littlefield, McCormick, Morin, V.; Perkins, Pratt, Santoro, Sheltra, Smith, D.M.; Soulas, Strout, Susi, Tanguay, Tyndale, White.

Yes, 88; No, 33; Absent, 28.

The SPEAKER: Eighty-eight having voted in the affirmative and thirty-three in the negative, with twenty-eight being absent, the motion does prevail.

Second Reader

Tabled and Assigned

Bill "An Act Relating to Supplemental Security Income" (H. P. 2084) (L. D. 2608) Emergency

Was reported by the Committee on Bills in the Second Reading and read the second time.

The SPEAKER: The Chair recognizes

the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, I move this matter be tabled for one legislative day.

Thereupon, Mr. LaPointe of Portland requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from East Millinocket, Mr. Birt, that this matter be tabled pending passage to be engrossed and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

81 having voted in the affirmative and 18 having voted in the negative, the motion did prevail.

On motion of Mr. Simpson of Standish, Adjourned until nine'oclock tomorrow morning.